



City of Woodland
Meeting Agenda
City Council

Community and Senior Center
2001 East Street
Woodland, CA 95776

December 6, 2022
6:00 PM

CITY COUNCIL

JOINT REGULAR CITY COUNCIL/WOODLAND FINANCE AUTHORITY MEETING
6:00 PM

- A. CALL TO ORDER**
- B. ROLL CALL**
- C. PLEDGE OF ALLEGIANCE**
- D. COMMUNICATIONS - PUBLIC COMMENT**

This is an opportunity for the public to speak to the Council on any item other than those listed on this agenda. Speakers are requested to use the microphone in front of the Council and to begin by stating their name, whether they reside in Woodland and the name of the organization they represent if any. The Mayor may impose a time limit on any speaker depending on the number of people wanting to speak and time available for the rest of the agenda. In the event comments are related to an item scheduled on the agenda, speakers may be required to wait to make their comments until that item is considered. The option to submit a public comment via voicemail is no longer available. Written Public Comments Members of the public are welcome to submit written comments prior to the meeting. Comments should be submitted by email to CouncilMeetings@cityofwoodland.org. Written Comments received at least two (2) hours prior to the scheduled start time of the City Council meeting will be provided to the City Council and posted to the City website as part of the official record of the meeting but will not be read into the record. Written Comments received within two (2) hours of the scheduled start time of the City Council meeting and during the City Council meeting will be provided to the City Council the day following the City Council meeting. If you are submitting written comments on a particular item on the agenda, please identify the agenda item number and letter. If you are submitting written comments on an item not listed on the agenda, please identify your e-mail/comment as a General Public Comment. Note: Public comments at special meetings are limited to items on the agenda only.

- 1. SUBJECT: General Public Comments

WRITTEN COMMUNICATIONS: This section is reserved for "General" Public Comments emailed within two (2) hours prior to the Council Meeting. These comments will be provided to the City Council and incorporated into the meeting minutes. Any other written communication submitted for items specific to this agenda will be attached as a file to the associated agenda item.

E. COMMUNICATIONS - COUNCIL/STAFF STATEMENTS AND REQUESTS

This is an opportunity for the Council Members and Staff to make comments and announcements, to express concerns, or to request Council's consideration of any items a Council Member would like to have discussed at a future Council meeting.

- 2. SUBJECT: Long Range Calendar

RECOMMENDATION FOR ACTION: Staff recommends that the City Council receive the Long Range Calendar for informational purposes only.

F. CONSENT CALENDAR

3. SUBJECT: City Council Meeting Minutes of November 1, 2022 and November 15, 2022

RECOMMENDATION FOR ACTION: Staff recommends that the City Council adopt the minutes of the Joint Regular City Council/Woodland Finance Authority Meeting of November 1, 2022 and November 15, 2022 .

4. SUBJECT: Sustainability Advisory Committee Minutes from October 19, 2022

RECOMMENDATION FOR ACTION: Staff recommends that the City Council receive the Sustainability Advisory Committee's minutes from its October 19, 2022 meeting.

5. SUBJECT: Second Reading and Adoption of Ordinance No. 1699 related to the 2022 California Fire Code and certain sections of the Building Code

RECOMMENDATION FOR ACTION: Staff recommends that the City Council introduce an Ordinance adopting by reference the 2022 California Fire Code (California Code of Regulations, Title 24, Part 9) and amending sections of the City of Woodland Municipal Code related to fire protection and nuisance abatement.

6. SUBJECT: Second Reading and Adoption of Tree Ordinance

RECOMMENDATION FOR ACTION: Staff recommends that the City Council conduct the second reading and adopt Ordinance No. 1698, amending Chapter 12.48 Trees in the City of Woodland Municipal Code relating to Trees.

7. SUBJECT: Lower Cache Creek Flood Risk Reduction Project, CIP 22-16; Create New Capital Improvement Project, Appropriate Project Funding, Approve the Federal Cost Sharing Agreement with the Army Corps of Engineers and the State of California Central Valley Flood Protection Board, Approve the Local Design Agreement with the Central Valley Flood Protection Board, and Approve Consultant Agreements.

RECOMMENDATION FOR ACTION: Staff requests that the City Council approve Resolution No. _____, authorizing the City Manager to:

1. Create a new capital project, the Lower Cache Creek Flood Risk Reduction Project, CIP 22-16; and appropriate \$900,000 from Fund 220, Sewer Enterprise Fund as an interfund loan; and
2. Authorize the City Manager to execute the Federal Cost Sharing Design Agreement with the Army Corps of Engineers (Corps) and State of California Central Valley Flood Protection Board CVFPB); and
3. Authorize the City Manager to execute the Local Design Agreement with State of California Central Valley Flood Protection Board (CVFPB); and
4. Authorize Amendment #1 with Larson Wurzel & Associates, Inc. (LWA) for an additional amount up to \$242,300; and

5. Authorize Amendment #10 with MBK Engineers (MBK) for an additional amount up to \$100,000.
8. SUBJECT: Approval of Plans and Specifications, and Bid Advertisement for the 2023 Water & Sewer Replacement Project, CIP 22-04

RECOMMENDATION FOR ACTION: Staff recommends that the City Council adopt Resolution No. _____, (1) Approving the Project plans and specifications, and (2) Authorizing bid advertisement for the 2023 Water & Sewer Replacement Project, CIP 22-04.

9. SUBJECT: Department of Water Resources (DWR) Grant Application Funding Agreement for the City of Woodland ASR Well #31 Improvement Project

RECOMMENDATION FOR ACTION: Staff recommends that the City Council adopt Resolution No. _____ to:

1) Authorize the City Manager to prepare a complete DWR Grant Application, to Accept Grant Funding Approval, and 2) Execute the DWR Grant Application Funding Agreement upon Approval for the City of Woodland ASR Well #31 Improvement Project.

G. REPORTS OF THE CITY MANAGER

10. SUBJECT: Declaring Results of the November 8, 2022 Election

RECOMMENDATION FOR ACTION: Staff recommends that the City Council:

1) Adopt Resolution No. _____, declaring the results of the November 8, 2022 election related to the election of two (2) members of the City Council for Council Districts 1 (Lansburgh) and 3 (Garcia-Cadena) with terms expiring upon the election of their successor thereto at the General Election of 2026; and

2) Adopt Resolution No. _____, declaring the results of the November 8, 2022 election related to Measures J and K.

H. ADMINISTER OATH OF OFFICE TO NEW/RE-ELECTED COUNCIL MEMBERS

I. ORGANIZATIONAL MATTERS - Designation of Mayor and Mayor Pro Tempore

J. MAYOR'S REMARKS

K. ADJOURN

I declare under penalty of perjury that the foregoing Agenda for the Joint Regular City Council/Woodland Finance Authority Meeting of the City of Woodland scheduled for Tuesday, December 6, 2022 was posted on Friday, December 2, 2022 in the outside display case at City Hall, 300 First Street, Woodland, CA, and was available to the public during normal business hours.


Ana B. Gonzalez
City Clerk

Upon request, agendas and documents in the agenda packet will be made available in appropriate alternative formats to persons with a disability, as required by law. Any such requests must be made in writing to the Office of the City Clerk of the City of Woodland. Requests will be valid for the calendar year in which the request is received, and must be renewed prior to January 1st.

Persons needing disability-related modifications or accommodations in order to participate in public meetings, including persons requiring auxiliary aids or services, may request such modifications or accommodations by calling the Office of the City Clerk (530-661-5806) at least 48 hours prior to the meeting.



TO: THE HONORABLE MAYOR AND CITY COUNCIL
AGENDA: City Council Regular Meeting
DATE: December 6, 2022
ITEM #: D.1
SUBJECT: General Public Comments

ITEM: This section is reserved for "General" Public Comments received via email within two (2) hours prior to the start of the City Council Meeting. Any other written communication submitted for items specific to this agenda will be attached as a file.

Attachments:

None



TO: THE HONORABLE MAYOR AND CITY COUNCIL
AGENDA: City Council Regular Meeting
DATE: December 6, 2022
ITEM #: E.2
SUBJECT: Long Range Calendar

Recommendation for Action: Staff recommends that the City Council receive the Long Range Calendar for informational purposes only.

Staff Contact:

Ana B. Gonzalez, City Clerk, (530) 661-5806, ana.gonzalez@cityofwoodland.org

Background:

This calendar is being provided for planning purposes only and is intended to keep the Council apprised of upcoming agenda items and planning for upcoming Council items.

A handwritten signature in black ink, appearing to read "Ken Hiatt", is written over the printed name.

Ken Hiatt
City Manager

Attachments:

1. Council Long Range Calendar

UPDATED COUNCIL LONG RANGE CALENDAR

DECEMBER 20TH

REGULAR MEETING

Consent Calendar

Adopt Conflict of Interest Code

Measures F and J, FY2022 Annual Reports

AB 1600 Annual Report

Council Assignments

Accept 2022 water/sewer replacement project as complete, CIP #21-01

Police Department Job Descriptions

Public Hearing

1st Reading - ADU Ordinance Update

1st Reading – Update Building Code

Extension of the Urgency Ordinance for Truck Parking in the Industrial zone

Cross Courts Commons (Elizabeth & California) CUP/PD/TSM

Regular Calendar

Waste Management Annual Rate Adjustment

Council Calendar - 2023

JANUARY 10TH (tentative)

SPECIAL MEETING

City Council Meeting Minutes – December 6 and 20, 2022

JANUARY 17TH

REGULAR MEETING

Draft Equity Action Plan

2nd Reading – Adopt Building Code

2nd Reading – ADU Ordinance

FEBRUARY 7TH

REGULAR MEETING

City Council Meeting Minutes – January 10 and 17, 2023

PH - Emergency Shelter Low Barrier Navigation Center Ord for the (I), (I/LIF) (CMU) Zones

Woodland Research Technology Park – Final EIR & Specific Plan

Receive presentation on Sewer System Management Plan

FEBRUARY 21ST

REGULAR MEETING

Comprehensive Zoning Update

Future Topics / Study Sessions:

Sustainability Advisory Committee Workshop (January)

Youth Master Plan Presentation (January)

Micro Transit Service Presentation (February)

Animal Services Contract (TBD)

Waste Management Residential Smart Truck (TBD)

Rule 20A Undergrounding District (TBD)

Annexations – Westucky, Barnard Court, North East Street, & Industrial Area



TO: THE HONORABLE MAYOR AND CITY COUNCIL
AGENDA: City Council Regular Meeting
DATE: December 6, 2022
ITEM #: F.3
SUBJECT: City Council Meeting Minutes of November 1, 2022 and November 15, 2022

Recommendation for Action: Staff recommends that the City Council adopt the minutes of the Joint Regular City Council/Woodland Finance Authority Meeting of November 1, 2022 and November 15, 2022.

Staff Contact:

Ana B. Gonzalez, City Clerk, (530) 661-5806, ana.gonzalez@cityofwoodland.org

A handwritten signature in black ink, appearing to read "Ken Hiatt", is written over the printed name.

Ken Hiatt
City Manager

Attachments:

1. 11.01.2022 DRAFT Minutes
2. 11.15.2022 DRAFT Minutes

City of Woodland

City Hall
Council Chambers
300 First Street
Woodland, CA 95695



Regular Meeting Minutes

Tuesday, November 1, 2022

6:00 PM

City Council

CITY COUNCIL

CLOSED SESSION - CANCELLED DUE TO LACK OF QUORUM

5:30 PM

A. CALL TO ORDER

B. CLOSED SESSION

1. CONFERENCE WITH REAL PROPERTY NEGOTIATORS (Gov. Code §54956.8)
Properties: Assessor's Parcel Numbers 005-223-001, 005-223-002, 005-223-003, and 027-852-005
Agency Negotiators: City Manager, Community Development Director and City Attorney
Negotiating Parties: Petrovich Properties LLC
Under Negotiation: Price and terms of payment

JOINT REGULAR CITY COUNCIL/WOODLAND FINANCE AUTHORITY MEETING

6:00 PM

C. CALL TO ORDER

Meeting called to order at 6:00 PM.

D. ROLL CALL

Members present: Garcia-Cadena, Stallard and Mayor Vega

Members absent: Fernandez and Lansburgh

E. PLEDGE OF ALLEGIANCE

Pledge of Allegiance led by Mayor Vega.

F. COMMUNICATIONS - PUBLIC COMMENT

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Njola King spoke regarding Ralph Harris Park; Brian Coward spoke regarding Woodland Accountability Community and Eric Garber spoke regarding new development at the Tech Park.

2. SUBJECT: General Public Comments

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G. COMMUNICATIONS - COUNCIL/STAFF STATEMENTS AND REQUESTS

This is an opportunity for the Council Members and Staff to make comments and announcements, to express concerns, or to request Council's consideration of any items a Council Member would like to have discussed at a future Council meeting.

Verbal updates provided by Council Members/Staff.

3. SUBJECT: Long Range Calendar

RECOMMENDATION FOR ACTION: Staff recommends that the City Council receive the Long Range Calendar for informational purposes only.

H. PRESENTATIONS

4. SUBJECT: Clark Field Restoration Committee Recognition Proclamations

RECOMMENDATION FOR ACTION: Staff recommends that the City Council adopt Proclamations recognizing the Clark Field Restoration Committee and Larry Martinez for their volunteerism at Clark Field.

Adopted proclamations recognizing the Clark Field Restoration Committee and Larry Martinez for their volunteerism at Clark Field.

I. CONSENT CALENDAR

5. SUBJECT: Corner Drug Proclamation

RECOMMENDATION FOR ACTION: Staff recommends that the City Council adopt a proclamation recognizing Corner Drug for its 125th year in business.

Mayor Vega asked that this item be removed from the Consent Calendar and moved to Presentations.

Adopted a proclamation recognizing Corner Drug for its 125th year in business.

On a motion by Council Member Stallard, seconded by Council Member Garcia-Cadena and carried on a 3-0 vote, Council Members adopted Item No. 4 and 5.

AYES: Members Garcia-Cadena, Stallard and Mayor Vega

NOES: None

ABSENT: Members Fernandez and Lansburgh

6. SUBJECT: Letter of Support: Woodland Community College Soccer Facility

RECOMMENDATION FOR ACTION: Staff recommends that the City Council approve a letter to the Yuba Community College District Board of Trustees expressing the City's support for Woodland Community College's Soccer Facility.

Approved a letter to the Yuba Community College District Board of Trustees expressing the City's support for Woodland Community College's Soccer Facility.

7. SUBJECT: City Council Meeting Minutes of October 4, 2022 and October 18, 2022

RECOMMENDATION FOR ACTION: Staff recommends that the City Council adopt the minutes of the Joint Regular City Council/Woodland Finance Authority Meeting of October 4, 2022 and October 18, 2022.

Adopted the minutes of the Joint Regular City Council/Woodland Finance Authority Meeting of October 4, 2022 and October 18, 2022.

8. SUBJECT: Sustainability Advisory Committee Annual Report and July 2022 Meeting Minutes

RECOMMENDATION FOR ACTION: Staff recommends that the City Council receive the Sustainability Advisory Committee's Annual Report and meeting minutes from July 20, 2022.

Received the Sustainability Advisory Committee's Annual Report and meeting minutes from July 20, 2022.

9. SUBJECT: Quarterly Treasurer's Investment Report for the Quarter Ending September 30, 2022

RECOMMENDATION FOR ACTION: Staff recommends that the City Council accept the quarterly Treasurer's Investment Report for the quarter ending September 30, 2022.

Accepted the quarterly Treasurer's Investment Report for the quarter ending September 30, 2022.

10. SUBJECT: Appoint Member to Library Board

RECOMMENDATION FOR ACTION: Staff recommends that the City Council appoint Chris Lambertus to the Library Board to fill an unexpired term ending June 30, 2023

Appointed Chris Lambertus to the Library Board to fill an unexpired term ending June 30, 2023.

11. SUBJECT: Resolution Authorizing the Submittal of Grant and Payment Program Applications to CalRecycle

RECOMMENDATION FOR ACTION: Staff recommends that the City Council approve Resolution No. _____, authorizing staff to submit applications to the California Department of Resources Recycling and Recovery (CalRecycle) for

any grant and payment programs for which the City is eligible for a period of 5 years.

Adopted RESOLUTION NO. 8005, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODLAND AUTHORIZING SUBMITTAL OF APPLICATION(S) FOR ALL CALRECYCLE GRANT AND PAYMENT PROGRAMS FOR WHICH THE CITY OF WOODLAND IS ELIGIBLE.

12. SUBJECT: 2019 Homeland Security Grant Supplemental Award - Budget Appropriation

RECOMMENDATION FOR ACTION: Staff recommends that the City Council adopt Resolution No. _____, authorizing the City Manager to appropriate \$15,870, received as the 2019 Homeland Security Grant Supplemental Award, to the Other Federal Grants Fund (330) for the purchase of the awarded equipment.

Adopted RESOLUTION NO. 8006, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODLAND AUTHORIZING THE CITY MANAGER TO APPROPRIATE \$15,870, RECEIVED AS THE 2019 HOMELAND SECURITY GRANT SUPPLEMENTAL AWARD, TO THE OTHER FEDERAL GRANTS FUND (330) FOR THE PURCHASE OF THE AWARDED EQUIPMENT.

13. SUBJECT: Approve Sole Source Finding and Goods Purchase Agreement for the Replacement of Pumps at the Spring Lake Pump Station, CIP 23-04

RECOMMENDATION FOR ACTION: Staff recommends that the City Council adopt Resolution No. _____, for:

1. Making a finding designating certain products, things, or services by Xylem Water Solutions USA, Inc. to be required for the continued functionality of the existing sewer lift station pumps;
2. Authorize the City Manager to award a goods purchase agreement with Xylem Water Solutions USA, Inc. in the amount of \$194,077.84 for the Spring Lake Pump Station Pump Replacement Project, CIP 23-04.

Adopted RESOLUTION NO. 8006, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODLAND AUTHORIZING THE CITY MANAGER TO APPROPRIATE \$15,870, RECEIVED AS THE 2019 HOMELAND SECURITY GRANT SUPPLEMENTAL AWARD, TO THE OTHER FEDERAL GRANTS FUND (330) FOR THE PURCHASE OF THE AWARDED EQUIPMENT.

14. SUBJECT: Fiscal Year 2022/23 Authorized Full-Time Position Adjustments

RECOMMENDATION FOR ACTION: Staff recommends that the City Council adopt Resolution No. _____, approving changes to the Authorized Full-Tie Equivalent Positions for Fiscal Year 2022/23.

Adopted RESOLUTION NO. 8006, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODLAND AUTHORIZING THE CITY MANAGER TO APPROPRIATE \$15,870, RECEIVED AS THE 2019 HOMELAND SECURITY GRANT SUPPLEMENTAL AWARD, TO THE OTHER FEDERAL GRANTS FUND (330) FOR THE PURCHASE OF THE AWARDED EQUIPMENT.

15. SUBJECT: Revenue Sharing and Property Tax Exchange Agreement between the City of Woodland and Yolo County

RECOMMENDATION FOR ACTION: Staff recommends that the City Council

adopt Resolution No. _____, authorizing execution of a Revenue Sharing and Property Tax Exchange Agreement between the City of Woodland and Yolo County related to planned annexations for the Barnard Court, Westucky, and Pirmi areas and City-owned properties.

Adopted RESOLUTION NO. 8006, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODLAND AUTHORIZING THE CITY MANAGER TO APPROPRIATE \$15,870, RECEIVED AS THE 2019 HOMELAND SECURITY GRANT SUPPLEMENTAL AWARD, TO THE OTHER FEDERAL GRANTS FUND (330) FOR THE PURCHASE OF THE AWARDED EQUIPMENT.

On a motion from Council Member Stallard, seconded by Council Member Garcia-Cadena and carried on a 3-0 vote, Council Members approved Consent Calendar Item No. 6 through 15.

AYES: Members Garcia-Cadena, Stallard and Mayor Vega

NOES: None

ABSENT: Members Fernandez and Lansburgh

J. PUBLIC HEARINGS

16. SUBJECT: First Reading of Tree Ordinance

RECOMMENDATION FOR ACTION: Staff recommends that the City Council: (1) Receive the staff report; (2) Conduct a Public Hearing, (3) Introduce and waive the first reaching of an Ordinance amending Chapter 12.48 Trees, and (4) Schedule a second reading and adoption of the Ordinance for the December 6, 2022 City Council meeting.

On a motion by Council Member Stallard, seconded by Council Member Garcia-Cadena and carried on a 3-0 vote, Council Members introduced and waived the first reaching of an Ordinance amending Chapter 12.48 Trees, and (4) Schedule a second reading and adoption of the Ordinance for the December 6, 2022 City Council meeting.

AYES: Members Garcia-Cadena, Stallard and Mayor Vega

NOES: None

ABSENT: Members Fernandez and Lansburgh

K. REPORTS OF THE CITY MANAGER

17. SUBJECT: Urgency Ordinance Prohibiting Truck and Trailer Parking, Storage, and Overhaul in the Industrial Zone

RECOMMENDATION FOR ACTION: Staff recommends that the City Council 1) Receive information about the proposed Urgency Ordinance; and 2) Adopt an urgency ordinance prohibiting the processing and/or approval of any and all Truck and Trailer Service Repair and Overhaul; Parking Facilities, including truck and trailer parking, park and ride lots; RV, Boat, Auto, Truck and Trailer Storage; and Truck Terminal facilities in the Industrial (I) Zone in the City of Woodland; and 3) Direct staff to prepare necessary zoning amendments to address truck and trailer parking, storage and repair uses in the Industrial district.

This item requires a 4/5ths vote of the body. Due to only having three Council Members present, this item was moved to the November 15th Council meeting.

18. SUBJECT: Fiscal Year 2022/23 Quarterly Budget Update

RECOMMENDATION FOR ACTION: Staff recommends that the City Council receive an informational report representing the FY2022/23 First Quarter Budget Update.

Received an informational report from Director of Administrative Services Kim McKinney representing the FY2022/23 First Quarter Budget Update.

L. ADJOURN

Meeting adjourned at 7:34 PM.

Respectfully submitted,

Ana B. Gonzalez, City Clerk

City of Woodland

City Hall
Council Chambers
300 First Street
Woodland, CA 95695



Regular Meeting Minutes

Tuesday, November 15, 2022

6:00 PM

City Council - AMENDED

CITY COUNCIL

CLOSED SESSION

5:30 PM

A. CALL TO ORDER

B. CLOSED SESSION

1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (SEC. 54956.9)

Name of case: Yolo County Farm Bureau et al. v. City of Woodland et al., Yolo County Superior Court Case No. CV2021-0564

2. THIS ITEM INTENTIONALLY LEFT BLANK.

JOINT REGULAR CITY COUNCIL/WOODLAND FINANCE AUTHORITY MEETING

6:00 PM

C. CALL TO ORDER

Meeting called to order at 6:00 PM.

D. ROLL CALL

All Council Members present.

Present: Fernandez, Garcia-Cadena, Lansburgh, Stallard and Mayor Vega

Absent: None

E. PLEDGE OF ALLEGIANCE

Pledge of Allegiance led by Mayor Vega.

F. COMMUNICATIONS - PUBLIC COMMENT

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Received email from Communicate Ccib regarding speed limit removal.

G. COMMUNICATIONS - COUNCIL/STAFF STATEMENTS AND REQUESTS

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Verbal updates provided by Council Members/Staff.

4. SUBJECT: Long Range Calendar

RECOMMENDATION FOR ACTION: Staff recommends that the City Council receive the Long Range Calendar for informational purposes only.

H. CONSENT CALENDAR

5. SUBJECT: Small Business Saturday Proclamation

RECOMMENDATION FOR ACTION: Staff recommends that the City Council proclaim Saturday, November 26, 2022 as "Small Business Saturday" in Woodland

Proclaimed Saturday, November 26, 2022 as "Small Business Saturday" in Woodland.

6. SUBJECT: Entrepreneurship Proclamation

RECOMMENDATION FOR ACTION: Staff recommends that the City Council adopt a proclamation celebrating Global Entrepreneurship Week.

Adopted a proclamation celebrating Global Entrepreneurship Week.

7. SUBJECT: Fire Department Quarterly Status Report for the Period of July 2022 - September 2022

RECOMMENDATION FOR ACTION: Staff recommends that the City Council accept the Fire Department Quarterly Status Report for July 2022 through September 2022.

Accepted the Fire Department Quarterly Status Report for July 2022 through September 2022.

8. SUBJECT: Police Department Quarterly Status Report for July 2022 through September 2022

RECOMMENDATION FOR ACTION: Staff recommends that the City Council

accept the Police Department quarterly status report for July 2022 through September 2022.

Accepted the Police Department quarterly status report for July 2022 through September 2022.

9. SUBJECT Second Reading and Adoption of Ordinance relating to Appointment, Removal, and Duties of the Mayor and Mayor Pro Tempore

RECOMMENDATION FOR ACTION Staff recommends that the City Council conduct the second reading and adopt Ordinance No. 1696, amending Chapter 2.08 (Mayor and Mayor Pro Tempore of Title 2 (Administration) of the City of Woodland Municipal Code relating to Appointment, Removal, and duties of the Mayor and Mayor Pro Tempore.

Adopted Ordinance No. 1696, AN ORDINANCE OF THE CITY OF WOODLAND, CALIFORNIA, AMENDING CHAPTER 2.08 (MAYOR AND MAYOR PRO TEMPORE) OF TITLE 2 (ADMINISTRATION) OF THE CITY OF WOODLAND MUNICIPAL CODE RELATING TO APPOINTMENT, REMOVAL, AND DUTIES OF THE MAYOR AND MAYOR PRO TEMPORE.

10. SUBJECT: Amendment to the Fleet Services Oil & Gas operating budget and Cooperative Fuel Services Agreement with Interstate Oil

RECOMMENDATION FOR ACTION Staff recommends that the City Council adopt Resolution No. _____, authorizing the City Manager to

- 1) augment the existing cooperative Fuel Services Agreement with Interstate Oil by \$300,000 for a 3 year total Not To Exceed amount of \$1,500,000 through June 30, 2023;
- 2) increase appropriations to the Equipment Services Fund budget by \$300,000; and
- 3) increase appropriations to the funds listed in Exhibit A to provide revenue to the Equipment Service Fund.

Adopted RESOLUTION NO. 8010, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODLAND APPROVING THE CITY MANAGER TO EXECUTE A 3-YEAR COOPERATIVE FUEL SERVICES AGREEMENT WITH INTERSTATE OIL.

11. SUBJECT Second Amendment to the CDBG/HOME Loan Agreement with the Leisureville Community Association, Inc. and Subordination Agreement with Sabal Capital II, LLC

RECOMMENDATION FOR ACTION Staff recommends that the City Council adopt Resolution No. _____, (1) approving the Second Amendment to the CDBG/HOME Loan Agreement with the Leisureville Community Association, Inc., to defer repayment of the loan until July 1, 2033, (2) approving a Subordination Agreement with Sabal Capital II, LLC to subordinate the deed of trust and regulatory agreement for the CDBG/HOME Loan to a new senior loan to provide funding for water and wastewater infrastructure improvements to the Leisureville mobile home development, and (3) authorize the City Manager to execute all agreements and documents necessary for the subordination and the changes to the City loan agreement with Leisureville.

Adopted RESOLUTION NO. 8011, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODLAND APPROVING THE SECOND AMENDMENT TO THE CDBG/HOME LOAN

**AGREEMENT WITH THE LEISUREVILLE COMMUNITY ASSOCIATION, INC. AND
SUBORDINATION AGREEMENT WITH SABAL CAPITAL II, LLC.**

12. SUBJECT: Amendment #1 to the SLIF Reimbursement Agreement with Lennar Homes of California, LLC for Heidrick Ranch Phase 2 & 3 (SM4986)

RECOMMENDATION FOR ACTION: Staff recommends that the City Council adopt Resolution No. _____, approving Amendment #1 to the agreement regarding reimbursement of Spring Lake Specific Plan improvements for Subdivision #4986; and authorizing the City Manager to sign the Amendment on behalf of the City.

Adopted RESOLUTION NO. 8012, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODLAND APPROVING AMENDMENT 1 TO AN AGREEMENT REGARDING REIMBURSEMENT OF SPRING LAKE SPECIFIC PLAN IMPROVEMENTS FOR SUBDIVISION 4986 WITH LENNAR HOMES OF CALIFORNIA, LLC.

13. SUBJECT: Woodland Public Library Mobile Library

RECOMMENDATION FOR ACTION: Staff recommends that the City Council adopt Resolution No. _____, authorizing 1) the purchase of a customized Freightliner M2 Mobile Library for the Library Department for a total purchasing price of \$649,951; and 2) Approve the bid award to Techops Specialty Vehicles; and 3) a budget appropriation of \$375,835 from the Library Trust Fund (917) and \$274,116 from Measure R Fund (102).

Adopted RESOLUTION NO. 8013, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODLAND AUTHORIZING THE PURCHASE OF A CUSTOMIZED FREIGHTLINER M2 MOBILE LIBRARY AND APPROVING THE BID AWARD TO TECHOPS SPECIALITY VEHICLES AND AUTHORIZING LIBRARY TRUST FUND AND MEASURE R FUND APPROPRIATIONS.

14. SUBJECT Design Agreement with Laugenour and Meikle, Inc., for the 2024 Water & Sewer Replacement Project, CIP 23-02

RECOMMENDATION FOR ACTION Staff recommends that the City Council adopt Resolution No. _____ to (1) Authorize the City Manager to execute a consultant agreement with Laugenour & Meikle, Inc., in the amount of \$225,420 for design of the 2024 Water & Sewer Replacement Project, CIP 23-02, and (2) Authorize a contingency of up to 10% (\$22,542) for design of the 2024 Water & Sewer Replacement Project, CIP 23-02.

Adopted RESOLUTION NO. 8014, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODLAND APPROVING A DESIGN AGREEMENT WITH LAUGENOUR AND MEIKLE, INC., FOR ENGINEERING CONSULTING SERVICES FOR THE 2024 WATER & SEWER REPLACEMENT PROJECT, CIP# 23-02.

On a motion by Council Member Stallard, seconded by Mayor Pro Tem Fernandez and carried unanimously on a 5-0 roll call vote, Council Members approved Consent Calendar Items No. 5 through 14.

**AYES: Members Fernandez, Garcia-Cadena, Lansburgh, Stallard and Mayor Vega
NOES: None**

I. PUBLIC HEARINGS

15. SUBJECT: Introduction and First Reading of an Ordinance adopting Changes to the California Fire and Building Codes

RECOMMENDATION FOR ACTION: Staff recommends that the City Council introduce an Ordinance adopting by reference the 2022 California Fire Code (California Code of Regulations, Title 24, Part 9) and amending sections of the City of Woodland Municipal Code related to fire protection and nuisance abatement.

On a motion by Council Member Garcia-Cadena, seconded by Mayor Vega and carried unanimously on a 5-0 vote, Council Members introduced an Ordinance adopting by reference the 2022 California Fire Code (California Code of Regulations, Title 24, Part 9) and amending sections of the City of Woodland Municipal Code related to fire protection and nuisance abatement.

AYES: Members Fernandez, Garcia-Cadena, Lansburgh, Stallard and Mayor Vega
NOES: None

J. REPORTS OF THE CITY MANAGER

16. SUBJECT Urgency Ordinance Prohibiting Truck and Trailer Parking, Storage, and Overhaul in the Industrial Zone

RECOMMENDATION FOR ACTION Staff recommends that the City Council 1) Receive information about the proposed Urgency Ordinance; and 2) Adopt an urgency ordinance prohibiting the processing and/or approval of any and all Truck and Trailer Service Repair and Overhaul; Parking Facilities, including truck and trailer parking, park and ride lots; RV, Boat, Auto, Truck and Trailer Storage; and Truck Terminal facilities in the Industrial (I) Zone in the City of Woodland; and 3) Direct staff to prepare necessary zoning amendments to address truck and trailer parking, storage and repair uses in the Industrial district.

On a motion by Council Member Garcia-Cadena, seconded by Council Member Stallard and carried on a 4-1 vote, Council Members adopted URGENCY ORDINANCE NO. 1697, AN URGENCY INTERIM ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WOODLAND ESTABLISHING A MORATORIUM ON ANY AND ALL TRUCK AND TRAILER PARKING, STORAGE, AND REPAIR AND OVERHAUL FACILITIES IN THE INDUSTRIAL DISTRICT OF THE CITY OF WOODLAND, TO TAKE EFFECT IMMEDIATELY, AND DECLARING THE URGENCY THEREOF.

AYES: Members Garcia-Cadena, Lansburgh, Stallard and Mayor Vega
NOES: Member Fernandez

K. ADJOURN

Meeting adjourned at 6:43 PM.

Respectfully submitted,

Ana B. Gonzalez, City Clerk



TO: THE HONORABLE MAYOR AND CITY COUNCIL
AGENDA: City Council Regular Meeting
DATE: December 6, 2022
ITEM #: F.4
SUBJECT: Sustainability Advisory Committee Minutes from October 19, 2022

Recommendation for Action: Staff recommends that the City Council receive the Sustainability Advisory Committee's minutes from its October 19, 2022 meeting.

Staff Contact:

Spencer Bowen | spencer.bowen@cityofwoodland.org

Discussion:

Highlights from this meeting include:

- Introducing the Sustainability Advisory Committee (SAC) members to the new City Hall organizational structure, including the City Manager's Office of Environment, Equity, Economy, and Engagement
- Selecting the SAC's new Chair (Robert Ullrey) and Vice Chair (Raul Tadle)
- Accepting the SAC's Year 3 report (Council received this report at its November 1 meeting)

Conclusion:

Staff recommends that the City Council receive the Sustainability Advisory Committee's Minutes from its October 19, 2022 meeting.

A handwritten signature in black ink, appearing to read "Ken Hiatt", is written over a horizontal line.

Ken Hiatt
City Manager

Attachments:

1. Approved SAC Meeting Minutes 10.19.22

Sustainability Advisory Committee

Meeting Minutes

October 19, 2022

A. CALL TO ORDER

Meeting called to order at 6:01 PM

B. ROLL CALL

Present: Catalina Munoz, Robert Ullrey, Mark Aulman, Raul Tadler, Rolf Frankenbach

Absent: Sara Schremmer, Liza Grandia (listening in remotely via phone), Adelita Serena

Staff present: Rosie Ledesma, Spencer Bowen, Ken Hiatt

C. PUBLIC COMMENTS

Gil Walker of the Retired Teachers Association (RTA) informs members of upcoming sustainability discussion with Mayor Pro Tempore Fernandez at RTA's October 26, 2022 meeting and expresses support for programs that help re-pipe washing machines so that grey water flows into residents' yards. Rosie shares that staff has investigated at least providing information on this type of program to Woodlanders.

D. MEMBER REPORTS (Informational Item)

Rolf: notes that the Casa Linda Oak "cookie" is now on display in the lobby of the Community Center and that the Woodland Tree Foundation has hired two interns through the Sacramento Valley College Corps (SVCC) to help identify lower-income residents that might be good candidates for planting shade trees through a Cal Fire grant.

Mark: thanks Liza for the connection to SVCC and notes that Rolf has been busy, including with adding mulch at the legacy grove and at the East Beamer Neighborhood Campus. Also notes that the modified City tree ordinance will come to City Council on Tuesday, November 1.

Raul: emphasizes that responding to economic downturns and promoting sustainability can go hand-in-hand and hopes the City keeps that in mind in the coming months.

Liza (via phone): WJUSD will reinstitute the school district stewardship committee; Liza will forward information along to other committee members in the coming weeks.

E. STAFF REPORTS (Informational Item)

Ken:

- Outlines recent changes, particularly City Manager's Office of Equity, Environment, Economy, and Engagement ("E4 Office") and the move of Environmental Services into the City Manager's Office (previously in the Community Development Department)

- Among other positives, the E4 Office will elevate the profile of sustainability efforts and reenergize work on the City's Climate Action Plan
- Notes City Council's commitment to hosting the long-awaited joint working session with the Sustainability Advisory Committee, likely in early 2023
- Bike Pedestrian Overcrossing project remains on schedule, construction will likely conclude before the end of the calendar year
- Woodland Regional Park Preserve was recently authorized for a conservation easement on the property, thereby preserving the site for the public good in perpetuity

Spencer

- Introduces himself and shares how excited he is to work with the Committee and to head up the new E4 Office

Rosie

- City's updated zoning ordinance is in the staff review phase; specific sections will be shared with the SAC for feedback in January 2023
- City just submitted a grant proposal to CalRecycle for expanded sustainability programs in Woodland's public schools
- City now offers an email listserv for the SAC, much like City Council, Planning Commission, etc.
- Waste Management annual rate adjustment period coming up; Committee expresses support for City Staff requesting additional information about what justifies the "extraordinary rate" increase requests
- SB 1383 compliance going fairly well in Woodland among residents and businesses

F. MINUTES

Approve July 20, 2022 meeting minutes

- Moved by Robert, seconded by Raul
- Passed unanimously; no noes, no abstentions

G. BUSINESS ITEMS

Chair & Vice Chair Selection (Action Item)

- Robert nominated as new Chair
 - Moved by Catalina, seconded by Raul
- Raul nominated as new Vice Chair
 - Moved by Catalina, seconded by Robert
- Passed unanimously for both; no noes, no abstentions

Year 3 Committee Report Review (Information/Action Item)

- Committee votes to accept Catalina's Year 3 report (with minor typo revisions) and forward the report on to City Council

- Moved by Mark, Seconded by Catalina
- Passed unanimously; no noes, no abstentions

4. Committee Member Vacancy (Information Item)

- Committee notes that the list of folks who attended the July community meeting would be good candidates to fill the currently-vacant ninth spot
- Consensus to proceed with a regular formal recruitment led by the City Clerk to fill the open ninth seat; staff will provide members with info to help promote when it's ready

5. Work Plan Review (Information Item)

- Important to review, revise, and keep the SAC Work Plan up to date. Up to the Committee to determine how frequently this plan is updated
- Committee commits to reviewing the existing document before the next meeting, sending any comments to staff, and then revisiting the document and suggested edits at future meetings
- One of the future questions to ask: does the Committee want to set a calendar for regular work plan updates? If so, when?

H. WORK GROUP UPDATES

Work Group List Review

- Current ad-hoc groups:
 - Sustainability, policy, and CAP implementation feedback to City Council
 - Sustainability program design and implementation
 - Public input and assistance on CAP implementation

Only current subcommittee:

- Outreach and engagement

At some point, Committee asks to review ad-hoc v. standing committees guidelines and discuss a general SAC ad-hoc committee policy (how and why set up, what are their expectations, and how do they report / wrap up, etc.) once the work plan is refined

I. LONG RANGE CALENDAR

Discussed American Rescue Plan Act funding item around sustainability

- SAC expected to recommend spending priorities on this line item for Council; staff to prepare a suite of options for SAC to discuss at the next meeting

Mark recalls that Raul and Allison were examining which City accounts might be good candidates for VCE UltraGreen option; staff will follow up with information and talk to Davis and County about their experience shifting to this model

Raul leading an effort to collaborate with staff on ongoing fleet sustainability efforts; Currently, Reece examining which sustainable replacement vehicles fit within budget, but few do. Interest in Reece eventually visiting the committee to present about the fleet process, etc.

Continued interest in the new Yolo County Compost facility: either a presentation, field trip, or both

Ken suggests that calendar items stay laser focused on CAP and work plan so that the committee avoids spreading itself too thin

Work plan review likely a multi-month process

J. ADJOURN

Adjourned at 7:25 PM



TO: THE HONORABLE MAYOR AND CITY COUNCIL
AGENDA: City Council Regular Meeting
DATE: December 6, 2022
ITEM #: F.5
SUBJECT: Second Reading and Adoption of Ordinance No. 1699 related to the 2022 California Fire Code and certain sections of the Building Code

Recommendation for Action: Staff recommends that the City Council adopt Ordinance No. 1699, adopting by reference the 2022 California Fire Code (California Code of Regulations, Title 24, Part 9) and amending sections of the City of Woodland Municipal Code related to fire protection and nuisance abatement.

Staff Contact:

Eric Zane, Fire Chief, (530) 661-5860, eric.zane@cityofwoodland.org

Fiscal Impact:

There is no net new fiscal impact on the City associated with this amendment. Staff training will be covered within the FY 2022/23 department budget.

Background:

Every three years, the various State and National Fire Codes are revised to reflect the latest in building and fire safety standards. The Ordinance before the Council adopts the 2022 California Fire Code (California Code of Regulations, Title 24, Part 9), based on the International Fire Code, 2018 Edition, with errata, published by the International Code Council, including Chapter 1, Sections 307, 308.1.6.3, 311.1 through 311.4, Chapter 4, Section 503, Appendix B, Appendix C, Appendix D, and Appendix E, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion. It also amends provisions of the 2022 California Building Code and 2022 Residential Code related to fire protection systems.

The Fire Code provides regulations necessary for the maintenance of fire prevention and life safety provisions for buildings and premises. The Building Code regulates the fire, life, and structural safety aspects of all buildings and related structures.

The formal adoption of the proposed Ordinance will take place following the 12/06/2022 Council meeting after a public hearing is held. The City will publish notice of the public hearing twice in a locally circulated newspaper, with the first notice published at least 14 days prior to the hearing. One copy of the 2022 California Fire Code and the 2022 California Building Code will be available for public inspection in the Office of the Woodland City Clerk.

Discussion:

While the City of Woodland and other communities are required by state law to utilize the newest state-adopted version of the codes for building permit reviews and inspections, adoption of the codes (by reference) by local jurisdictions provides greater consistency among jurisdictions and allows for minor modifications (amendments) to the codes to reflect local conditions.

All amendments from the prior code cycle remain the same regarding local amendments to the 2019 California Fire Code, with one notable addition: the requirement for, and specifications of a "Fire Control Room" in new commercial construction. Changes involved formatting, aligning specific code sections and deleting language or requirements that are located within the model codes.

The Fire Control Room amendment to the code provides the requirement and specifications for aligning all fire safety systems and equipment in the same room of a commercial building. As the Code currently reads, this requirement for a single room only applies to a high-rise building. However, the benefits of improved efficiency can be realized for all buildings, allowing first responders to analyze and control all systems in a building in a single location, including fire sprinklers, fire alarms, and other specialized fire suppression systems.

All current City amendments to the prior versions of the codes have been reviewed for applicability to the new codes. With this adoption, all former amendments have been rewritten, deleted, or revised to reflect the most current needs of the City of Woodland. Woodland Municipal Code sections not specifically included within this Ordinance remain unchanged.

Conclusion:

Staff recommends that the City Council adopt Ordinance No. 1699, adopting by reference the 2022 California Fire Code (California Code of Regulations, Title 24, Part 9) and amending sections of the City of Woodland Municipal Code related to fire protection and nuisance abatement.

Prepared and Reviewed by: Eric Zane, Fire Chief

A handwritten signature in black ink, appearing to read 'Ken Hiatt', with a long horizontal flourish extending to the right.

Ken Hiatt
City Manager

Attachments:

1. Proposed Ordinance adopting the California Fire Code 2022 11.1.22

ORDINANCE NO. 1699

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WOODLAND AMENDING CHAPTER 8.20 OF TITLE 8 OF THE WOODLAND MUNICIPAL CODE, ADOPTING BY REFERENCE THE 2022 CALIFORNIA FIRE CODE IN ITS ENTIRETY (CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 9), BASED ON THE INTERNATIONAL FIRE CODE, 2021 EDITION, WITH ERRATA, PUBLISHED BY THE INTERNATIONAL CODE COUNCIL, TOGETHER WITH THE ADMINISTRATIVE CHAPTERS 1, 2, AND APPENDIX B, APPENDIX C, APPENDIX D, AND APPENDIX E, FOR THE PURPOSE OF PRESCRIBING REGULATIONS GOVERNING CONDITIONS HAZARDOUS TO LIFE AND PROPERTY FROM FIRE OR EXPLOSION, TOGETHER WITH CERTAIN ADDITIONS, INSERTIONS, DELETIONS AND CHANGES THERETO; AMENDING SECTION 15.04.030 OF THE WOODLAND MUNICIPAL CODE AMENDING CERTAIN SECTIONS OF THE 2022 CALIFORNIA BUILDING CODE RELATED TO FIRE PROTECTION SYSTEMS;

Commented [A1]: Do we want to add any other Appendices?

WHEREAS, pursuant to California Government Code Section 50022.1 *et seq.* the City of Woodland (“City”) may adopt by reference the 2022 California Fire Code, based on the International Fire Code, 2021 Edition, with errata, published by International Code Council (ICC), as adopted by the State of California pursuant to Title 24, Part 9 of the California Code of Regulations; and

WHEREAS, California Health & Safety Code Sections 17958.5 and 18941.5 authorize cities to adopt the codes contained in Title 24 of the California Code of Regulations with changes and modifications determined to be reasonably necessary because of local climatic, topographic, or geologic conditions; and

WHEREAS, pursuant to Section 50022.1 and California Health & Safety Code Section 17958.5 and 18941.5, the City is considering the adoption of an ordinance on November 1, 2022, which proposes the adoption by reference of the 2022 California Building Code with the proposed amendments as provided therein; and

WHEREAS, the City desires to adopt the 2022 California Fire Code, based on the International Fire Code, 2021 Edition, with errata, published by the International Code Council (ICC), as adopted by Title 24, Part 9 of the California Code of Regulations (“Fire Code”) with necessary amendments to assure the Fire Code is tailored to the particular fire protection needs of the City as required by local climatic, topographic, and geologic conditions and assure that a maximum level of fire protection is provided to residents, businesses, and other occupants; and

WHEREAS, the City further desires to make additional necessary amendments to the 2022 California Building Code to assure that the maximum level of fire protection is provided to residents, businesses, and other occupants; and

WHEREAS, the City wishes to correct a cross-reference in Woodland Municipal Code section 9.04.030 (A), (B) related to the location of the City's fire prevention regulations, including the Fire Code; and

WHEREAS, the City held a public hearing on November 15, 2022 at which time all interested persons had the opportunity to appear and be heard on the matter of adopting the Fire Code as amended herein and adopting and amending the California Building Code, California Residential Code, California Plumbing Code, California Electrical Code and California Mechanical Code as provided herein; and

WHEREAS, the City published notice of the aforementioned public hearing pursuant to California Government Code Section 6066 on November 1, 2022 and November 8, 2022; and

WHEREAS, any and all other legal prerequisites relating to the adoption of this Ordinance have occurred;

The City Council of the City of Woodland does hereby ordain as follows:

1. Purpose. The purpose of this Ordinance is to amend Sections 15.04.030, 9.04.030 (A), (B) and certain sections in Chapter 8.20 of Title 8 of the City of Woodland Municipal Code, adopting by reference the 2022 California Building Standards Code, Title 24, California Code of Regulations, Part 9, (California Fire Code) in its entirety, based on the International Fire Code, 2021 Edition, with errata, published by the International Code Council, together with Administrative Chapters 1, 2, and Appendix B, Appendix C, Appendix D, and Appendix E, together with certain additions, insertions, deletions, and changes thereto, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion; adopting and amending certain sections of the 2022 California Building Code related to fire protection systems.

2. Authority. The City Council enacts this Ordinance under the authority granted to the City as follows:

(a) California Government Code Section 50022.1 et seq. authorizes the City to adopt by reference the California Building Standards Code and authorizes the City to adopt other uniform codes by reference; and

(b) California Health & Safety Code Section 17958.7 and 18941.5 authorize the City to adopt the 2022 California Fire Code and the 2022 California Building Code with modifications determined to be reasonably necessary because of local climatic, geological, or topographical conditions.

3. Findings. The City Council hereby finds that the proposed amendments to the 2022 California Fire Code and the 2022 California Building Code are more restrictive than the standards adopted by the California Building Standards Commission, and are reasonably necessary because of local climatic, geologic, or topographic conditions, based on the express findings and determinations, marked in relation to the respective

amendments provided in this ordinance, described in “Exhibit A” attached hereto, and hereby adopted by the City Council as the findings to support the modifications to the 2022 California Fire Code and the 2022 California Building Code.

4. **Amendment.** Section 8.20.010 through Section 8.20.040 of the Woodland Municipal Code are hereby amended to read in full as follows:

Sec. 8.20.010 California Fire Code – Adopted.

There is hereby adopted by the City for the purpose of prescribing regulations governing conditions hazardous to life and property from fire, explosion, or hazardous materials, those certain Codes and known as the 2022 California Building Standards Code, Title 24, California Code of Regulations, Part 9, (California Fire Code) in its entirety, based on the International Fire Code, 2021 Edition, with errata, published by the International Code Council together with Administrative Chapters 1, 2, and Appendix B, Appendix C, Appendix D, and Appendix E, save and except such portions as are deleted, modified, or amended by Section 8.20.040 of this Chapter, of which Codes one (1) copy has been and is now filed in the office of the City Clerk of the City of Woodland and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this chapter shall take effect, the provision thereof shall be controlling within the limits of the City.

Sec. 08.20.020 Establishment and duties of the division of community risk reduction.

A. The California Fire Code as adopted and amended herein shall be enforced by the Division of Community Risk Reduction of the Fire Department of the City, which is hereby established and which shall be operated under the supervision of the Fire Marshal.

B. The Fire Marshal in charge of the Division of Community Risk Reduction shall be appointed by the Chief of the City on the basis of examination to determine his or her qualifications for the position.

C. The Chief of the City shall recommend to the City Manager the employment of technical staff members, who, when such authorization is made, shall be selected on the basis of examination to determine their qualifications for the position.

D. The Fire Marshal, members of the Community Risk Reduction Division, and personnel assigned as Fire Investigators shall be peace officers and have the powers as such as established in Section 830.37(a) of the California Penal Code. Other members of the Fire Department shall be peace officers and have the powers as such as established in Section 830.37(b) of the California Penal Code.

Sec. 8.20.030 – Establishment of storage limits.

A. Establishment of limits of districts in which the storage of compressed natural gas is to be prohibited.

The limits referred to in Section 2308.3.2 and 5301.1.1 of the California Fire Code as added by the City of Woodland in which the storage of compressed natural gas storage is prohibited, are hereby established as follows: The storage of compressed natural gas is restricted in all zones except highway commercial, service commercial and industrial zones in the city as defined in the zoning ordinance of the city.

B. Establishment of limits of districts in which the storage of stationary tanks of flammable cryogenic fluids are to be prohibited.

The limits referred to in Section 5806.2 of the California Fire Code in which the storage of flammable cryogenic fluids in stationary containers is prohibited is hereby established as follows: Restricted in all zones except that a use permit may be granted by the Chief for storage in those zones defined in the zoning ordinance of the city as general commercial, service commercial, highway commercial and industrial zones.

C. Establishment of limits in which storage of liquefied petroleum gases is to be restricted.

The limits referred to in Section 6104.2 of the California Fire Code, in which storage of liquefied petroleum gas is restricted, are hereby established as follows: The storage of liquefied petroleum gas is restricted to the highway commercial, service commercial and industrial zones in the city as defined in the zoning ordinance of the city. The aggregate capacity of any one (1) installation shall not exceed two thousand (2000) gallons water capacity; except that at the discretion of the Chief after consideration of special features such as topographical conditions, nature of occupancy and proximity to buildings, capacity of proposed tanks, degree of private fire protection to be provided and facilities of the fire department, a permit may be granted for such use.

D. Establishment of limits of districts in which storage of explosives and blasting agents to be prohibited.

The limits referred to in Section 5601.9 of the California Fire Code as added by the City of Woodland, in which storage of explosives and blasting agents is prohibited, are hereby established as follows: Prohibited in all zones defined in the zoning ordinance of the City except that a permit may be issued for installations in existence prior to the adoption of the ordinance codified in this chapter.

E. Establishment of limits of districts in which storage of flammable or combustible liquids in outside aboveground tanks; bulk plants or terminals; and bulk transfer operations is to be limited.

1. The limits referred to in Section 5704.2.9.6.1 of the California Fire Code in which storage of Class I and II liquids in outside aboveground tanks is limited, are hereby established as follows: Limited to two (2) tanks, not to exceed two thousand (2,000) gallons each, in all zones defined in the zoning ordinance of the city except that a permit may be issued for installations in existence prior to the adoption of the ordinance codified in this chapter.

Commented [A2]: Is this correct?

2. The limits referred to in Section 5706.5.1 of the California Fire Code as amended by the City of Woodland in which bulk plants or terminals for flammable or combustible liquids are limited, are hereby established as follows: Limited to two (2) tanks, not to exceed two thousand (2,000) gallons each, in all zones defined in the zoning ordinance of the city except that a permit may be issued for installations in existence prior to the adoption of the ordinance codified in this chapter.

3. The limits referred to in Section 5706.5.1.1.1 of the California Fire Code as added by the City of Woodland in which bulk transfer and process transfer operations of flammable or combustible liquids are limited, are hereby established as follows: Limited to two (2) tanks, not to exceed two thousand (2,000) gallons each, in all zones defined in the zoning ordinance of the city except that a permit may be issued for installations in existence prior to the adoption of the ordinance codified in this chapter.

Sec. 8.20.040 Amendments.

The California Fire Code, as described above and adopted by reference in Section 8.20.010, is hereby amended, modified and revised as set forth in this chapter.

A. Section 202 – General Definitions.

Section 202 is amended to add and amend the following definitions:

Building. Any Structure used or intended for supporting or sheltering any use or occupancy, including manufactured homes, mobile homes, modular, and multifamily manufactured housing.

Fire Marshal. Shall mean the Chief of the Division of Community Risk Reduction.

B. Section 307.1.1 – Prohibited Open Burning.

Section 307.1.1 is amended to read as follows:

307.1.1 Prohibited open burning. Open burning is prohibited in the City of Woodland. Any burning, open or otherwise, that constitutes a nuisance which is injurious to health, or is indecent or offensive to the senses, or is offensive, or objectionable because of smoke emissions or when atmospheric conditions or local circumstance make such fires hazardous shall be prohibited. The fire code official is authorized to order the extinguishment by the owner, occupant, other responsible

person or the fire department of any burning that creates or adds to a hazardous or objectionable situation.

C. Section 508 – Fire Command Center

Commented [A3]: Need to update with fire control room

Section 508.2 is added to read as follows:

508.2 Fire control room for new commercial buildings. All new commercial buildings not addressed in 508.1 shall be provided with a Fire Control Room, conforming to the specifications set forth in 508.2.1 through 508.2.6

508.2.1 Location and access. The location and access to the fire command center shall be approved by the fire code official.

508.2.2 Equipment. Fire Control Rooms shall contain only fire system control valves, fire alarm control panels and other related fire system equipment. Storage of other materials is prohibited.

508.2.3 Dimensions. Fire Control Rooms shall have minimum dimensions of five feet by seven feet.

508.2.4 Fire rating. Fire Control Rooms shall be constructed with a one-hour fire rating.

508.2.5 Access. Fire Control Rooms shall be provided with an exterior access door approved by the fire code official.

508.2.6 Signage. Durable signage shall be provided on the exterior side of the access door.

D. Section 901.6.4 – Resale inspection-residential sprinkler systems.

Section 901.6.4 is added to read as follows:

901.6.4 Resale inspection-residential sprinkler systems. All residential occupancies up for resale and equipped with a NFPA 13D sprinkler system or sprinkler system meeting the requirements of the California Residential Code, are required to be inspected by a representative from the Woodland Fire Department, State of California Contractor State License Board Licensed Fire Protection Contractor (C-16), or California State Fire Marshal Licensed A (Type 1) Concern. All necessary repairs shall be completed and verified prior to the closing of escrow.

E. Section 903.1 – Automatic Sprinkler Systems – General.

Section 903.1 is amended to read as follows:

903.1 General. Automatic sprinkler systems shall comply with this section and the following:

An automatic sprinkler system shall be installed in the occupancies and locations set forth in this Chapter and in the locations and according to the conditions described below:

- (1) In all buildings other than Group R, Division 2,3 and 4 in which the total floor area of all floors is five thousand (5,000) square feet or more, or any building which are three (3) or more stories regardless of height.

Exceptions:

1. Group U occupancies, not including private garages attached to R-3 Occupancies.
 2. In storage and bulk handling facilities for grain, including grain elevators and flat storage buildings, automatic fire sprinklers shall not be required in areas where the grain is stored, provided:
 - a. An automatic fire extinguishing sprinkler system is not otherwise required for code compliance;
 - b. The floor area of the building or structure does not exceed the maximum basic allowable floor area permitted for specific types of construction as specified in Table 504.3 and including the allowable increases for clear yard spaces as specified in the California Building Code; and
 - c. The construction of the building or structure complies with all other code provisions for the properly assigned group occupancy classification and type of construction.
- (2) Notwithstanding other provisions of this section, the requirement described in this Section 903.1 shall be applied to alterations, repairs, additions and changes of occupancy of existing buildings as follows:
- a. Where there is no change of occupancy, alterations or repairs not increasing fire area, total height, or number of stories of an existing building may be made without making the entire building comply with this section.
 - b. No change shall be made in the character of the occupancy or use of any existing building or structure unless the entire building or structure is made to comply with this section.

Exceptions:

7

1. The character of the occupancy of existing buildings may be changed subject to the approval of the building official and the approval of the fire chief, and the building may be occupied for purposes in other occupancy groups without conforming to all the requirements of this section or the California Building Code for those groups, provided the new or proposed use is not more hazardous, based on life and fire risk, than the existing use.
 2. No change in the character of occupancy of a building shall be made without a certificate of occupancy, as required by California Building Code. The building official may issue a certificate of occupancy pursuant to the intent of the above exception without certifying that the building complies with all provisions of this section and provisions of the California Building Code.
- (3) In other areas and occupancies as required in Section 903 of the California Building Code.

F. Section 907.6.2.1 – Fire alarm circuits.

Section 907.6.2.1 is added to read as follows

907.6.2.1 Fire alarm circuits. When providing a fire alarm circuit in a multiple occupancy type building (multiple metering), the circuit shall be energized from the main meter panel board.

G. Section 2306.2.3 – Above-ground tanks located outside, above grade.

Section 2306.2.3 is amended to read as follows:

2306.2.3 Above-ground tanks located outside, above grade.

Above-ground tanks used for automotive fuel dispensing stations open to the public for retail sales of Class I, II or IIIA liquid motor fuels shall not exceed two (2) tanks totaling two thousand (2,000) gallons each.

H. Section 2308.3.2 – Established limits and maximum capacity.

Section 2308.3.2 is added to read as follows:

2308.3.2 Established limits and maximum capacity. The storage of compressed natural gases is prohibited within the limits established by law as the limits of districts in which such storage is prohibited.

I. Section 5301.1.1 – Established limits and maximum capacity.

Commented [A4]: Is this correct?

Section 5301.1.1 is added to read as follows:

5301.1.1 Established limits and maximum capacity. The storage of compressed natural gases is prohibited within the limits established by law as the limits of districts in which such storage is prohibited.

J. Section 5601.9 – Prohibited and Limited Acts.

Section 5601.9 is added to read as follows:

5601.9 Prohibited and Limited Acts. Storage of explosive materials is prohibited within the limits established by law as the limits of districts in which such storage is prohibited.

K. Section 5706.4.5.1 – Established limits.

Section 5706.4.5.1 is added to read as follows:

5706.4.5.1 Established limits. Bulk plants or terminals for receiving or storage of flammable or combustible liquids are limited within the limits established by law as the limits of districts in which such storage is limited.

L. Section 5706.5.1.1.1 – Established limits.

Section 5706.5.1.1.1 is added to read as follows:

5706.5.1.1.1 Established limits. Bulk transfer and process transfer operations for receiving or transferring flammable or combustible liquids are limited within the limits established by law as the limits of districts in which such operations is limited.

M. Division II – Administration.

Chapter 1, Division II - Administration is hereby amended as follows:

1. Section 101.1 is amended to read as follows:

101.1 Title. These regulations shall be known as the Fire Code of the City of Woodland, hereinafter referred to as “this code.”

2. Section 112.4 is amended to read as follows:

112.4 Violation penalties. Persons who shall violate any provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall subject the violator to any or all of the

following: suit for civil remedy or criminal penalty, or the administrative penalties provided in Chapter 9.20 of the Woodland Municipal Code.

The criminal penalty for the first offense shall be punishable as an infraction as defined by the California Penal Code, as amended from time to time. The criminal penalty for a second offense or more, shall be punishable as a misdemeanor as defined by the California Penal Code, as amended from time to time. Each day that a violation continues after due notice has been served shall be deemed a separate offense. Nothing in this paragraph shall be construed as precluding the application of the administrative penalties provided in Chapter 9.20 of the Woodland Municipal Code.

5. **Amendment.** Section 8.20.060 of the Woodland Municipal Code is hereby amended to read in full as follows:

Sec. 8.20.060. Citation Program - Issuance of Citations.

The Fire Marshal and designated members of the Community Risk Reduction Division of the Woodland Fire Department have the discretionary duty to enforce a statute or ordinance made pursuant to Sections 853.5 and 853.6 of the State Penal Code and subject to the provisions hereof.

A person may be arrested without a warrant whenever the Fire Marshal or designated members of the Community Risk Reduction Division have reasonable cause to believe that the person to be arrested has committed, in their presence, a violation of a statute or ordinance, which he or she has the discretionary duty to enforce. The Fire Marshal or designated members of the Community Risk Reduction Division may issue a notice to appear and to release such a person on his or her written promise to appear in court pursuant to Sections 853.5 or 853.6 of the State Penal Code, as applicable.

The Fire Marshal and designated members of the Community Risk Reduction Division will be the designated officers of the Woodland Fire Department to exercise such arrest and citation authority as to specified violation.

The Chief of the Woodland Fire Department shall establish and cause to be administered a special enforcement training program designed to instruct those members of the fire department who will exercise such arrest and citation authority, regarding the provisions of the statutes and ordinances to be enforced, the evidentiary prerequisites to proper prosecution for violation thereof, the appropriate procedures for making arrests or otherwise prudently exercising such arrest and citation authority and the legal and practical ramifications and limitation attendant thereto.

The Fire Marshal and designated members of the Community Risk Reduction Division shall be appropriately instructed to deposit executed citations or notices

within the appropriate agency for filing with the court after review for legal sufficiency.

6. Amendment. Subsection (H) is hereby added to Section 15.04.030 of the Woodland Municipal Code to read as follows:

(H) Chapter 9 of the California Building Code is amended to read as follows:

(1) Section 903.1 is amended to read as follows:

903.1 General. Automatic sprinkler systems shall comply with this section and the following:

An automatic sprinkler system shall be installed in the occupancies and locations set forth in this Chapter and in the locations and according to the conditions described below:

(1) In all buildings other than Group R, Division 2, 3 and 4 in which the total floor area of all floors is five thousand square feet or more, or any building which are three or more stories regardless of height.

Exceptions:

1. Group U occupancies, not including private garages attached to R-3 Occupancies.
2. In storage and bulk handling facilities for grain, including grain elevators and flat storage buildings, automatic fire sprinklers shall not be required in areas where the grain is stored, provided:
 - a. An automatic fire extinguishing sprinkler system is not otherwise required for code compliance,
 - b. The floor area of the building or structure does not exceed the maximum basic allowable floor area permitted for specific types of construction as specified in Table 504.3 and including the allowable increases for clear yard spaces as specified in the California Building Code, and
 - c. The construction of the building or structure complies with all other code provisions for the properly assigned group occupancy classification and type of construction.

(2) Notwithstanding other provisions of this section, the requirement described in this Section 903.1 shall be applied to alterations, repairs, additions and changes of occupancy of existing buildings as follows:

- a. Where there is no change of occupancy, alterations or repairs not increasing fire area, total height, or number of stories of an existing building may be made without making the entire building comply with this section.
- b. No change shall be made in the character of the occupancy or use of any existing building or structure unless the entire building or structure is made to comply with this section.

Exceptions:

1. The character of the occupancy of existing buildings may be changed subject to the approval of the building official and the approval of the fire chief, and the building may be occupied for purposes in other occupancy groups without conforming to all the requirements of this section or the California Building Code for those groups, provided the new or proposed use is not more hazardous, based on life and fire risk, than the existing use.

2. No change in the character of occupancy of a building shall be made without a certificate of occupancy, as required by California Building Code. The building official may issue a certificate of occupancy pursuant to the intent of the above exception without certifying that the building complies with all provisions of this section and provisions of the California Building Code.

(3) In other areas and occupancies as required in Section 903 of the California Building Code.

(2) Section 907.6.2.1 is added to read as follows

907.6.2.1 Fire alarm circuits. When providing a fire alarm circuit in a multiple occupancy type building (multiple metering), the circuit shall be energized from the main meter panel board.

7. Repeal of Conflicting Ordinances. All former ordinances or portions of ordinances conflicting or inconsistent with the provisions of this ordinance or of the California Fire Code, including applicable portions of Ordinance No. 1650, and any other ordinance in conflict herewith are hereby repealed to the extent of such conflict.

8. Superseding Ordinances. No ordinance adopted after the adoption of this ordinance shall implicitly supersede or repeal any provision of this ordinance unless that ordinance expressly indicates an intention to do so.

9. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase added by this Ordinance, or any part thereof, is for any reason held to be

unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more subsections, subdivisions, paragraphs, sentences, clauses or phrases are declared unconstitutional, invalid or ineffective.

10. Publication. The City Clerk shall certify to the adoption of this ordinance and shall cause a summary thereof to be published in the Daily Democrat, a newspaper of general circulation, printed and published in the City of Woodland and County of Yolo, at least five (5) days prior to the meeting at which the proposed ordinance is to be adopted and shall post a certified copy of the proposed ordinance in the office of the City Clerk, and with fifteen (15) days of its adoption, shall cause a summary of it to be published, including the vote for and against the same, and shall post a certified copy of the adopted ordinance in the office of the City Clerk, in accordance with California Government Code Section 36933.

11. CEQA. The City Council finds that the changes made to the Fire Code and Building Code are enacted to mitigate the threats posed to public peace, health and safety from earthquakes, high winds and fire. Therefore, it can be seen with certainty that adoption of this Ordinance will not have a significant adverse effect on the environment and is therefore exempt from California Environmental Quality Act pursuant to Section 15061(b)(3) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3. Staff is directed to file a notice of exemption within five (5) days of the adoption of this Ordinance.

12. Effective Date. This ordinance shall take effect upon the latter of thirty days after its adoption or January 1, 2023.

PASSED AND ADOPTED by the City Council this 1st day of November, 2022, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Mayra Vega, Mayor

ATTEST:

APPROVED AS TO FORM:

Ana B. Gonzalez, City Clerk

Ethan Walsh, City Attorney

Exhibit A

Findings to Support Amendments to the 2019 Editions of the California Fire Code and California Building Code

This Exhibit A provides the express findings and determinations (where necessary pursuant to California Health & Safety Code Sections 17958, 17985.7 and/or 18941.5) justifying the City of Woodland's amendments to the 2022 Edition of the California Fire Code and the 2022 Edition of the California Building Code (codified in Title 24 of the California Building Standards Code) as reasonably necessary because of local climatic, geologic or topographic conditions.

CITY OF WOODLAND – PROFILE

The City of Woodland, incorporated in 1871, lies near the heart of the Great Central Valley of California. It is situated 18 miles to the West of the State Capitol in Sacramento and 81 miles Northeast of San Francisco. Woodland is the County Seat of Yolo County.

The City of Woodland encompasses an area of approximately 15.3 square miles with a population in excess of 61,032 based upon 2020 U.S. Census Bureau Population Estimates Program. The City of Woodland Fire Department, through a Contractual Agreement with the Springlake Fire Protection District, also provides fire protection for approximately 51 square miles of rural area surrounding the City, devoted principally to winter grain and summer row crop farming.

The City is the largest industrial area in Yolo County and has experienced a steady, well-planned growth. Woodland is also a key area for the many processing and service activities demanded by the extensive agricultural industries in the region.

Woodland is transcended by several major roadways including Interstate 5 and State Route 113. California Northern Railway maintains a major North-South rail link through Woodland while Yolo Shortline Railway also maintains a local spur line in town from Sacramento. Both rails and highways have created barriers within the town which have significantly affected emergency response routes.

Sec 8.20.040 Amendments to California Fire Code

Amendment Section, pursuant to Ord. No. ____XXXX__	Fire Code Section Impacted	Subject of Amendment	Justification (see below key to justifications)
8.20.030	2308.3.2, 5301.1.1, 5806.2, 6104.2, 5601.9, 5704.2.9.6.15 706.5.1, 5706.5.1.1.1	Establish limits for storage, receiving, and storage of hazardous materials	A, B, D
8.20.040(A)	202	Adds and amends definitions	A, D
8.20.040(B)	307.1.1	Prohibits burning	A, D
8.20.040(C)	508	Fire Control Room	A, B, D
8.20.040(D)	Add 901.6.3	Resale inspection of residential occupancies with NFPA 13D or California Residential Code sprinkler systems	A, D
8.20.040(E)	903.1	Regulations regarding installation of automatic sprinkler systems	A, B, C
8.20.040(F)	Add 907.6.2.1	Fire alarm circuits	A, B, C
8.20.040(G)	2306.2.3	Use of above-ground tanks	A, B, D
8.20.040(H)	Add 2308.3.2	Establish location limits for storage of compressed natural gases	A, D
8.20.040(I)	Add 5301.1.1	Establish location limits for storage of compressed natural gases	A, B, D
8.20.040(J)	Add 5601.9	Establish limits regarding location and quantity of explosive materials stored	A, B, D
8.20.040(K)	Add 5706.4.5.1	Establish location limits for receiving and storing of flammable or combustible liquids	A, D
8.20.040(L)	Add 5706.5.1.1.1	Establish location limits for bulk and process transfer operations of flammable or combustible liquids	A, D
8.20.040(M)	101.1, 112.4	Administration	D

Sec 15.04.030 Amendments to California Building Code

Amendment Section, pursuant to Ord. No. _____	Building Code Section Impacted	Amendment	Justification (see below key to justifications)
15.04.030(H)(1)	903.1	Regulations regarding installation of automatic sprinkler systems	A, B, C
15.04.030(H)(3)	Add 907.6.2.1	Fire alarm circuits	A, B, C

Justifications KEY: Findings to Support Amendments to California Fire Code and California Building Code

A. CLIMATIC CONDITIONS

The climate within the City of Woodland is similar to other areas in California's Central Valley. The normal rainfall for Woodland is 20.7 inches. Winter storms are responsible for the heaviest intensity of precipitation, with 89 percent of total annual precipitation falling between November and April.

Winds play a major role in Woodland's climatological make-up. Winter storms bring occasional strong wind gusts from the South up to 45 mph. There are also intermittent Summer periods of dry North winds when the humidity will drop well below 10 percent, greatly adding to the potential of a fire conflagration hazard where non-rated wood shake and shingle roof construction currently exists. This weather warrants the need for expanded ability to require the extinguishing of residential burning, to further protect combustible construction.

Summer sun in Woodland averages about 95 percent of the possible hours of daylight. The winter months produce 40 percent of possible sunshine affected somewhat by occasional periods of winter fog, which may persist for several days or weeks at a time.

The average annual temperature for Woodland is 61.9 F with higher temperatures in the mid- to upper 90's during the summer months and lows down to the mid- 30's during the winter months. The record high of 114 F was recorded in June of 1961 while the record low of 19 F was established in December of 1990. Summer time temperatures are frequently accompanied by light to gusty south winds leading to potentially dangerous fire conditions. The limited amount of flammable and combustible liquids stored in specific zoned areas reduces risk.

Due in part to the winter and spring rains, Woodland generally experiences an extensive growth of vegetation during the spring, which dries out each summer creating hazardous fuel conditions. Because the City is surrounded by farmland, an exposure problem exists during early summer grain harvest season. Many of the grain fields in the farmland surrounding the City are planted up to the City limits (in some instances, residential neighborhoods). The proximity of burning fields to neighborhoods creates a rural interface problem, which greatly increases the chance of a major conflagration if the right conditions exist (Red Flag Days = low humidity, wind, etc.). Thus, the growth of vegetation, coupled with dry land grain farming, equates to an explosive fire potential prior to and during the grain harvest period.

Buildings located in portions of the City where combustible vegetation is present are at an increased risk of fire. The need for reduced fire area due to climatic conditions within Yolo County warrants a lower sprinkler threshold. The amended sections address these specific issues by requiring sprinkler and associated systems in buildings that are 5000 sq ft or greater in total floor areas, and all residential buildings including modules, mobile, manufactured, or multifamily manufactured homes. A lower threshold for sprinklers, and expanded definitions will provide more buildings with protection, thus reducing property loss and personal injury.

Woodland's water supply is primarily from the Woodland-Davis Clean Water Agency (WDCWA). In most years, Woodland is supplied with 100% treated Sacramento River water from the WDCWA. In dry years, water supply from WDCWA may be reduced in summer months and Woodland would supplement from other sources. As a supplement to WDCWA supplied water, Woodland maintains three aquifer storage and recovery (ASR) wells, which supply surface water quality water to Woodland customers. Woodland maintains the distribution system through flushing and valve maintenance operations and has an active program to replace aging and failing water mains.

B. GEOLOGICAL CONDITIONS

Woodland lies in the heart of the great Central Valley of California, 18 miles west of the State Capitol in Sacramento. This Greater Sacramento Area is one of the fastest growing regions in the State. Woodland comprises an area of 15.3 square miles. Through a contractual Agreement with the Springlake Fire Protection District, an additional 51 square miles is now the responsibility of the Woodland Fire Department. Since the Agreement provides for equal fire protection in the District and the City, staffing and resources are severely stressed if concurrent incidents occur.

The 2018 Woodland Community Profile (created in partnership with the Yolo County Office of Emergency Services as part of the Multi-jurisdictional Hazard Mitigation Plan) recognized the top three risks in the City to be (1) Flooding, (2) Earthquake, and (3) Wildfire. The City of Woodland is within an active seismic area. The City is thus subject to moderate to strong to severe shaking and surface ruptures resulting from earthquake faults located within or near the City. The City lies along the eastern edges of the Coast Range-Sierran Block Boundary (CRSBB) where the Dunnigan Hills Fault is located. These local earthquake faults have the potential to cause severe personal and property damage

and fire hazards. A major earthquake originating along this fault line or from an unknown fault in the CRSBB could grind the local public infrastructure to a halt. In 2016, a small 2.5 earthquake shook Woodland; the quake was centered seven miles west of the City in an area of the CRSBB where there are no known fault lines. The Midland Fault, located southwest of Davis, is another fault that could cause shaking for Woodland, much like the one that occurred after the 1892 Vacaville-Winters Earthquake. Moreover, there is also a potential for damage to roadways and water supplies and the impairment of access allowing fire equipment to respond to emergencies in the event of a severe earthquake. Much of Woodland's downtown area is comprised of construction dating back to the late 1800's and early 1900's. Balloon construction costs, lack of accessibility, and buildings built too close together greatly add to the fire extension problem inherent to this area, especially exacerbated in the event of seismic activity.

The City has also experienced tremendous growth in the industrial area. Several major distribution centers have been completed, many exceeding 500,000 square feet. The size of these buildings and the different commodities they house can quickly overwhelm the Department's ability to mitigate an incident of fire caused by any seismic activity.

C. TOPOGRAPHICAL CONDITIONS

Summertime temperatures reaching beyond 100F are frequently accompanied by gusts of south winds leading to potentially dangerous fire conditions. The amendments limiting the amount of explosive materials stored and transferred within the City reduces risk.

The amendments lowering the sprinkler threshold and requiring sprinklers in modular and manufactured homes aligns the City of Woodland with other jurisdictions in the County and region.

Road conditions: Traffic congestion is a growing problem for the City. The impact of current and planned developments and associated traffic flow will continue to have an effect on response times and delivery of fire service.

The City is transcended by a major California highway running North-South – Interstate 5 and serves as the junction between Highway 113 and Interstate 5. In addition, California Northern Railroad has a line running North-South. Flammable liquids and hazardous materials are transported through the City limits by the above-mentioned routes.

The roadway system throughout the City is comprised of surface roads with alley ways running parallel to the surface roads, but to the rear of the addresses. The alley ways are narrow, extremely overgrown with vegetation, and not provided with protection by fire hydrants. Accessibility and availability of water are of major concern.

Woodland relies primarily on the Sacramento River for drinking water. The availability of water in the Sacramento River is susceptible to drought. Prolonged drought conditions will result in a curtailment in water rights in the Sacramento River, which will cause a shortfall

in Sacramento Water to Woodland. ASR wells backup native groundwater wells and would be utilized during a drought.

Road conditions due to flooding: Woodland is essentially flat with Cache Creek forming the Northern Boundary of the Springlake Fire Protection District. City streets, even those outside of the floodplain, are also subject to localized flooding during periods of heavy rainfall. Currently, the City's storm drain system is not adequately sized for the actual flows. Older parts of the city, particularly west of the East Street, do not have a system of under street storm drainpipes. Instead runoff is conveyed through intersections in valley gutters, culverts, or inverted siphons and must travel long distances to reach a drain inlet. In these areas, when the capacity of the drain inlets and pipes is exceeded, localized street flooding occurs and remains for three to four hours after rainfall has subsided.

Typical flood hazards in Woodland generally consist of shallow sheet flooding from surface water runoff from large rainstorms with depths generally less than two feet. However, in larger storm events, there are significant areas within the City on the north and east sides that are also affected by flooding from Lower Cache Creek and /or Yolo Bypass. Cache Creek flooded during the heavy storms of 1995 closing County Road 98, which is a major artery into town. In the winter months of 2019, Cache Creek overtopped and flooded out some streets and homes of the community just northwest of the City, demonstrating the true risk of over flooding to the City. During major storms or prolonged rains, some of the streets in the City are actually designed and used for flood control purposes, thus making fire and emergency access difficult during flood conditions. As a consequence, many of the streets within the City are impaired during such flood conditions and such flooding causes physical damage to the streets and the accumulation of debris, all of which hinder access to fire equipment for the purpose of responding to fire and other emergencies.

D. Administrative/Procedural/Public Safety Amendments.

1. This amendment is necessary for administrative or procedural clarification and to establish administrative standards for the effective enforcement of the building standards of the City of Woodland and does not modify a building standard pursuant to California Health & Safety Code Section 17958, 17958.7, and/or 18941.5.
2. This amendment does not modify a building standard pursuant to California Health & Safety Code Section 17958, 17958.7, and/or 18941.5 and is reasonably necessary to safeguard life and property within the City of Woodland.



TO: THE HONORABLE MAYOR AND CITY COUNCIL
AGENDA: City Council Regular Meeting
DATE: December 6, 2022
ITEM #: F.6
SUBJECT: Second Reading and Adoption of Tree Ordinance

Recommendation for Action: Staff recommends that the City Council conduct the second reading and adopt Ordinance No. 1698, amending Chapter 12.48 Trees in the City of Woodland Municipal Code relating to Trees.

Staff Contact:

Christine Engel, Community Services Director, (530) 661-2000, christine.engel@cityofwoodland.org;
Erika Bumgardner, Principal Planner, (530) 661-5886, erika.bumgardner@cityofwoodland.org; and Megan Meier, Associate Planner, (530) 661-5814, megan.meier@cityofwoodland.org

Fiscal Impact:

Fiscal impacts will be related to increased staff time to review and process associated documents for proposed tree removals, as well as staff time associated with the new process for reviewing tree removals with the Urban Forest Subcommittee. Fees to cover staff time can be added to the fee schedule for additional costs to implement the ordinance for properties other than existing residential properties.

Background:

On December 7, 2021, the City Council received a presentation on the proposed changes to the tree ordinance. The council supported the changes presented by staff and directed them to work with the City Attorney to draft the revisions, as discussed at the council meeting, to the ordinance for council consideration.

Discussion:

The following highlights the changes to the language in the Ordinance that were introduced and where the first reading was waived at the November 15, 2022 meeting. These changes are being recommended for adoption.

Public Trees – A subcommittee (Urban Forest Subcommittee) of the Parks & Recreation Commission, joined by one member of the Sustainability Advisory Committee (in an advisory capacity), would review a list of proposed removals (proposed either by the public or City staff) and make a recommendation on the proposed removals (with the exception of emergency removals). Trees recommended for removal would be posted with a notice informing the public of the proposed removal, a minimum of 14 days before the subcommittee considers the removal (this would allow the public to voice their concerns in writing or in person at an Urban Forest Subcommittee meeting). All trees approved for removal by the subcommittee will be posted a minimum of 48-hours in advance of such removal. If the subcommittee does not recommend the removal of a tree, and City staff still supports the removal of the tree, the item will be brought forward to the City Council for a determination.

Trees on Private Residential Property – A process is identified to educate property owners on the potential removal of heritage oaks located anywhere on the residential property (valley oaks greater than 33-inches dbh) or trees 24-inches dbh or greater within 20-feet back of walk. A process is also outlined for major maintenance of these trees as well (trimming of limbs 3-inches in diameter or more). Trees (other than heritage oaks) in backyards or beyond 20-feet back of walk would not be regulated. This process does not involve the issuance of a tree removal permit by the City, or require the City to decide whether or not a tree can be removed. This revision is intended to help the homeowner make a decision about the removal of trees based on input from a certified arborist.

Development Projects – The current ordinance requires an application for a commercial or residential development project to include a “tree preservation plan” identifying those existing on-site trees to be removed and those to be preserved in relation to the development proposal. No changes are proposed to that requirement. Where this section of the ordinance is currently lacking is that there is no written standard for the governing body approving the tree plan to use to approve or deny a request for the removal of certain priority trees (i.e. heritage oak, established trees, etc.) as a result of the development proposal. To remedy this void, it is recommended that this section of the ordinance be amended to include a requirement that a “finding,” as noted below, be made by the applicable governing body authorizing the removal of certain trees:

“Any street tree, heritage, specimen, and landmark tree or any established tree approved for removal shall require a finding that the tree is of poor health, or that the tree poses a health, life or safety risk, and/or that there is no cost feasible means of preserving the tree in a safe and viable manner and no appropriate or feasible design alternatives exist to preserve the tree. Such finding shall be made by the applicable governing entity or body responsible for approving the development project/entitlement.”

In some cases, where the poor health of a tree is not readily apparent, an arborist report may be required.

Tree Replacement Program – For trees approved for removal as part of a tree plan or trees approved for removal on non-residential property, the current ordinance requires a “tree replacement program” based on the type of tree proposed for removal. Generally, trees must be replaced at a 2:1 or 4:1 ratio for each six inches of the diameter of the removed tree, either through new planting on-site or through the payment of an in-lieu fee. No changes are proposed to these requirements. To encourage the preservation of well-established and healthy trees within the community and to ensure replacement of those removed that are otherwise in good health, staff recommends that in addition to requiring the replacement of heritage, specimen or landmark trees approved for removal, the ordinance also includes the replacement of “established trees” (i.e. any species of tree with a trunk diameter of 12-inches dbh in good health) at a 2:1 ratio for each six inches of the diameter of the removed tree.

Willful Destruction of Trees Located on Commercial and Undeveloped Residential Property – The current ordinance is silent on the regulation of trees proposed for removal on developed or undeveloped properties where a development application is not under consideration. In other words, an owner of a commercial, mixed-use or industrial zoned property could remove any tree on their property, including heritage oaks, with no evaluation or approval required by the City. City staff have been made aware of instances where a commercial property owner will remove trees on site (including heritage oaks) just before a development application is submitted to the City which would otherwise require a tree plan and authorization to remove certain trees.

To address this issue, it is recommended that the ordinance requires that non-residential property owners and owners of vacant/undeveloped residential property obtain approval prior to removal of heritage oak trees, landmarks, specimens or established trees on their property, regardless of entitlement status. The same process and replacement requirements for removal of trees on properties associated with a development application would then apply, as noted above (i.e. 2:1 or 4:1 replacement of healthy trees approved for removal). A property owner would be required to submit a tree plan identifying the tree(s) proposed for removal and the applicable governing body or, if no development application had been submitted, the Community Development Director, would approve or deny the request based on a finding that the tree is of poor health, or that the tree poses a health, life or safety risk, and/or that there is no cost feasible means of preserving the tree in a safe and viable manner. An arborist report may be required to verify the health of the tree. See Section 2, Trees on Private Residential Properties, above for proposed regulations pertaining to removal of trees on developed residential properties.

Replacement and/or Removal of Trees on an Existing Non-Residential Development Site – A new section

to the ordinance is recommended that speaks to the replacement and/or removal of trees on existing, developed sites. For example, staff received requests for the removal of parking lot shade trees required as part of an original project approval, but that have become unhealthy or in some cases, tree roots have caused damage to the parking surface and have created unsafe pedestrian conditions. It is recommended that the ordinance be amended to allow for the removal of unhealthy trees or trees that pose a life or safety hazard and these removed trees be replaced in-kind at a 1:1 ratio subject to an arborist report and substantially consistent with a prior approved landscape plan. Additionally, it is recommended that a new section be added which speaks to the removal of trees to allow for the installation of solar canopies and/or electric vehicle (EV) charging stations. For the installation of solar canopies or EV chargers, it is suggested that the ordinance language recommends retaining established trees where possible, and prohibits the removal of heritage oaks for this purpose.

Maintenance of Trees and Landscaping – A new section to the ordinance is recommended to codify the following: *A. Owner of non-residential development site shall complete the installation of landscaping and trees in accordance with approved landscaped plans, and B. Owner shall maintain landscaping and trees in healthy and attractive condition as determined by City, and consistent with the approved landscape plan and Landscape Maintenance Agreement.*

Staff requires a signed and recorded Landscape Maintenance Agreement for new development projects that include, as part of their site planning and design approval, the installation of new trees and landscaping. This proposed section simply acknowledges and reinforces the requirement for ongoing maintenance of development project landscaping.

Miscellaneous Changes

Contractor Requirement: Only contractors that have an ISA certified arborist on staff may conduct tree maintenance and removal services regulated by the ordinance and that they must have a valid City of Woodland business license. When encroachment permits are issued, proof of the vendors' ISA certified arborist must also be provided.

Landmark Trees: With the dissolution of the Historical Preservation Commission, the designation of landmark trees will be considered by the Parks & Recreation Commission and the urban forestry group prior to the item being considered by the City Council.

Violations: Anyone that violates the chapter (the injury, mutilation or death of a street tree, heritage oak tree, specimen tree, landmark tree, or established tree) would be responsible for the cost of repair and/or replacement of such a tree, including enforcement costs. For any heritage oak removed on a residential property without the submittal of a tree modification review form, a \$1000 administrative fine shall apply. Removal of a tree 24-to 26-inches dbh within 20-feet back of walk, other than a heritage oak, without submittal of a tree modification review form shall be subject to a \$500 fine and trees greater than 36-inch dbh, a \$1000 fine. For the unauthorized removal of protected trees on commercial or undeveloped residential properties, the violator shall be responsible for an administrative fine of \$500 or \$1,000 and replacement in accordance with the replacement program and ratios outlined in the ordinance (Section 12.48.150 Tree Replacement Program). The ordinance provides that the violations related to street trees or unauthorized removal of protected trees on commercial or undeveloped residential properties, the violator will be potentially subject to a separate fine for each tree removed, for each day from the time the tree or trees were removed, until the approved replacement trees are planted or payment in-lieu replacement fees are paid.

Conclusion:

Staff recommends that the City Council conduct the second reading and adopt Ordinance No. 1698, amending Chapter 12.48 Trees in the City of Woodland Municipal Code relating to Trees.

Prepared by: Christine Engel, Community Services Director; Erika Bumgardner, Principal Planner; and Megan Meier, Associate Planner

A handwritten signature in black ink, appearing to read 'Ken Hiatt', with a long horizontal flourish extending to the right.

Ken Hiatt
City Manager

Attachments:

1. Clean_Woodland Tree Ordinance (final version)-c1_10.24

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
OF WOODLAND AMENDING CHAPTER 12.48 OF TITLE
12 TO THE CITY OF WOODLAND MUNICIPAL CODE
RELATED TO TREES**

WHEREAS, the City of Woodland's ("City's") history is intertwined with trees and the community developed out of a native valley oak grove, and residents have planted thousands of trees of diverse types to complement native oaks; and

WHEREAS, in 1930, the City became a self-proclaimed City of Trees, and

WHEREAS, in 1940, the City created a Tree Commission and adopted an ordinance to govern and protect its public trees; and

WHEREAS, in 2017, the City approved a Climate Action Plan prioritizing the maintenance of its large trees, which provide the highest greenhouse gas reduction benefits, and setting a goal of expanding its tree coverage to 25% by 2035; and

WHEREAS, in 2019, the City approved its first-ever Urban Forest Management Plan; and

WHEREAS, in addition to their intrinsic aesthetic and shade value, it is now recognized and documented by scientific studies that trees provide other critical benefits to society; and

WHEREAS, trees absorb carbon dioxide, a key greenhouse gas which contributes to the warming of the earth's climate; and

WHEREAS, the planting and preservation of trees sustains public health by supporting relaxation and reducing stress, increases life-giving oxygen, promotes ecological balance and biodiversity, improves air quality, and tempers the effect of extreme temperatures.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WOODLAND DOES
ORDAIN AS FOLLOWS:**

Section 1. Chapter 12.48 of the Woodland Municipal Code is hereby amended in its entirety as follows:

"CHAPTER 12.48 TREES

12.48.010 - Findings/purpose.

The Woodland City Council finds that in order to promote the public health, safety and general welfare of the City, while at the same time recognizing individual rights to develop and manage private property in a manner which will not be prejudicial to the public interest nor prohibit development of private property, it is necessary to enact regulations governing the planting, removal and preservation of street trees, other City trees, heritage trees, specimen trees, landmark trees and established trees on specified private property within the City. Furthermore, this chapter

seeks to balance community goals and aspirations with the desires and rights of property owners by prioritizing the conservation of valley oaks and establishing clear and fair standards for their protection, removal, and replacement on municipal land and where appropriate, on private property.

12.48.020 - Definitions.

As used in this chapter the following words and terms shall have the meaning hereinafter set forth:

“Back of walk” means the back of the sidewalk.

“City” means the City of Woodland.

“Code” means the Woodland Municipal Code.

“Commercial Property” means any property zoned for commercial, office, retail or industrial use or any multi-family residential property with five or more units.

“Community Development Director” means the Community Development Director of the City or his or her designated representative.

“Community Services Director” means the Community Services Director of the City or his or her designated representative.

“Development project” shall be as defined at Government Code Section 65928.

“Diameter at Breast Height” or “DBH” means the diameter of a tree measured at 54 inches above ground level consistent with ISA standards. The diameter may be directly measured with calipers or diameter tape or be calculated by use of the following formula: $DBH = \text{circumference at breast height} \div 3.14$.

“Drip line area” means the area within a circle measured from the trunk of the tree outward to a point at the perimeter of the outermost branch structure of the tree.

“Established tree” means a tree of any species with a trunk diameter of 12 inches or more at DBH which is of good quality in terms of health, vigor, growth and conformity to generally accepted horticultural standards of shape for its species.

“Fronting property” means real property parallel to a public street or sidewalk and adjacent thereto.

“Heritage oak tree” means any valley oak tree (*Quercus lobata*), with a trunk diameter of 33 inches or more at DBH which is of good quality in terms of health, vigor, growth and conformity to generally accepted horticultural standards of shape for its species.

“ISA” means the International Society of Arboriculture.

“ISA-certified arborist” means a professional arborist who holds a current, valid certification granted by the ISA in one or more specialties.

“Landmark tree” means a tree or stand of trees which is of historical, cultural, or public significance as designated by the City Council upon the recommendation of all of the following groups and/or commissions:

1. The Parks and Recreation Commission; and
2. The Urban Forestry Group.

“Minor Maintenance” means and includes trimming or pruning branches that are less than three inches in diameter to promote the life, growth, health or beauty of trees.

“Major maintenance” means and includes major trimming or pruning or cabling, and any other similar act which promotes the life, growth, health or beauty of trees, except watering and minor pruning. Major trimming and pruning shall mean the removal of branches of three inches in diameter or greater.

“Owner” means the legal owner of real property.

"Person" means individuals, associations, corporations, public agencies, joint ventures, partnerships, independent contractors, and other agents and employees.

"Pruning standards" means those pruning standards established the American National Standards Institute (ANSI) A300 Series for Tree Care Operations and the ISA Best Management Practices.

“Public nuisance,” for purposes of this chapter, means:

1. Any dead or dying tree, whether located on City-owned property or on private property;
2. Any otherwise healthy tree, whether located on City-owned property or on private property which harbors insects or diseases which reasonably may be expected to injure or harm any tree, shrub or other plant;
3. Any tree, or portion thereof, whether located on City-owned property or on private property which by reason of location or condition constitutes an imminent danger to the health, safety or welfare of the general public;
4. Any tree, or portion thereof whether located on City-owned property or on private property which obstructs the free passage of pedestrian or vehicular traffic (not including driveway expansions) or which obstructs a street light;
5. Any tree, or portion thereof whether located on City-owned property or on private property which dangerously obstructs the view in the visibility triangle as such may be determined by the Community Services Director pursuant to this chapter.

“Public street” means any improved street, road or avenue located within the City and dedicated to the public, but excluding alleys adjacent to residential backyards.

“Specimen tree” means any tree of interest because of size or unusual species, other than a heritage tree, which is of good quality in terms of health, vigor or growth and conformity to generally accepted horticultural standards of shape for its species, as designated by the City Council upon the recommendation of both the Parks and Recreation Commission and the Urban Forestry Group.

“Street tree” means any tree growing within the tree maintenance strip, a street median, an intersection roundabout, City-maintained landscaping (including parks and City-maintained property), or similar spaces within the public right-of-way, whether or not planted by the City.

“Top” means the severe cutting back of tree limbs to stubs larger than three inches in diameter within the tree’s crown to such a degree so as to remove the normal canopy and disfigure the tree.

“Tree” means any live woody plant having one or more well-defined perennial stems with a diameter at maturity of six inches DBH.

“Tree maintenance strip” means a strip of land parallel and adjacent to a public street, extending from the back of the curb of the street, or the edge of the paved portion of the street if the street does not have a curb at that location, to the edge of the sidewalk furthest from the street.

“Tree Modification Review Form” means a form to be submitted to the Community Services Director to perform an activity which requires receipt of information identified in this chapter.

“Tree permit” means written authorization by the Community Services Director to perform an activity on a street tree which requires a permit under this chapter.

“Urban Forestry Group” means a group of City employees, headed by an ISA-certified arborist, charged with planting, preserving and maintaining trees within the City.

12.48.030 - Community Services Director duties.

A. The Community Services Director shall perform the following duties:

1. Determine suitable and desirable species of street trees and the areas in which, and conditions under which, such street trees shall be planted.
2. Supervise, direct and control the planting, location, placement, major maintenance, removal, relocation and replacement of street trees and trees in City parks and other City properties;
3. Provide periodic reports to the City Council on activities that take place as a result of enforcement of this chapter.

4. Perform other duties as set forth in this chapter.

12.48.040 - Composition and procedural rules of the Parks and Recreation Commission.

The composition and procedural rules of the Parks and Recreation Commission are set forth in Section 2.28.030 of this Code. The Parks and Recreation Commission shall appoint two members to an Urban Forest Subcommittee to review matters outlined in this chapter. One member of the Sustainability Advisory Committee will be advisory to this subcommittee. The Urban Forest Subcommittee will make recommendations to the Community Services Director on proposed removals of street trees requested by the public through the tree permit process as set forth in Section 12.48.060 and on removals of street trees 24-inches DBH or greater proposed by the Urban Forestry Group.

12.48.050 - Street trees—Activities requiring a tree permit issued to the public.

A. Except as hereinafter provided, it shall be unlawful for any person (other than a City worker or contractor working within his or her assigned duties) to do any of the following acts, with respect to street trees, without a tree permit issued by the Community Services Director:

1. Plant any tree within a tree maintenance strip, street median, intersection roundabout, or on other City property;
2. Move, remove, top, cut down, poison, set fire to or permit fire to burn in proximity to, or perform any act which results in the unnatural death or destruction of a street tree;
3. Perform any activity that will interfere with or retard the natural growth of any street tree;
4. Perform any work or permit any work to be performed within the drip line area of a street tree which would endanger the tree; or
5. Perform major maintenance on a street tree.

12.48.060 - Tree permit issued to public for street trees.

A. The Community Services Director shall issue tree permits to a fronting property owner seeking to perform any activity for which a tree permit is required for street trees by Section 12.48.050 only if the following conditions are met:

1. The owner has established, to the Community Services Director's satisfaction, that there is a need for the proposed work on the street tree but that the City is unable to perform the work within the time frame desired by the owner; or
2. The owner seeks to remove or trim a street tree to facilitate moving any building or other structure or project; and
3. The owner has established, to the Community Services Director's satisfaction, that the persons who are to perform the work are qualified to do so and that the contractors have an ISA-certified arborist on staff; and

4. If removal is requested, and the street tree is 24 inches DBH or greater, such removal must have been approved by the Community Services Director after a recommendation by the Urban Forest Subcommittee (removal of trees less than 24 inches DBH will be considered by the Parks Superintendent;

5. Major maintenance may only be performed on a street tree after the issuance of a tree permit approved by the Community Services Director. Major maintenance does not require review by the Urban Forest Subcommittee; and

6. If removal is approved, a notice of such removal must be posted on the tree a minimum of 48 hours in advance of said removal.

B. Prior to granting a tree permit for a street tree, the Community Services Director must evaluate the street tree in accordance with ISA standards, and shall consider factors such as the probability that the proposed work will destroy or seriously injure the street tree, the street tree's health, the desirability of that species as a street tree, whether the street tree's condition and the size threaten serious damage to property, the condition and number of other street trees in the vicinity, whether there are other less onerous means to accomplish the applicant's goals, and other related criteria.

C. All work performed on street trees pursuant to a tree permit issued by the Community Services Director under this section shall be completed within a 60-day period from the issuance of the tree permit, or within such longer period as the Community Services Director may specify.

D. The Community Services Director may condition any tree permit granted pursuant to this section for the removal of a street tree, on the permittee removing and replacing the street tree. In such cases, the full cost of removal and replacement shall be borne by the owner and such service shall not be provided by the City.

E. The Community Services Director may condition any tree permit granted pursuant to this section on other conditions as the Community Services Director determines to be necessary to satisfy the criteria set forth in this Section 12.48.060.

12.48.070 - Appeals for tree permit requested by public for street trees.

A. Any application for a tree permit which has been denied by the Community Services Director and/or the Urban Forest Subcommittee may be appealed to the Parks and Recreation Commission for review and action.

B. Any such appeal and all accompanying documents will be placed on the agenda of the next regular Parks and Recreation Commission meeting. Written notice of the date, time and place of such meeting shall be mailed to the applicant not less than 10 days prior to the date of the meeting.

C. The Parks and Recreation Commission may approve the application unconditionally, conditionally or partially, or may deny the application.

D. The Parks and Recreation Commission shall consider the provisions of Section 12.48.060 when reviewing a tree permit application which has been denied by the Community Services Director and/or the Urban Forest Subcommittee.

E. A written statement of the action of the Parks and Recreation Commission on the application shall be mailed to the applicant within 10 calendar days following the Parks and Recreation Commission meeting.

F. Any interested person wishing to appeal a decision of the Parks and Recreation Commission to the City Council must file a written appeal with the City Clerk. Such written appeal must be placed in the U.S. Mail, properly addressed with postage prepaid within 10 calendar days of the date the written decision of the Parks and Recreation Commission is mailed to the applicant. Any such appeal shall be accompanied by fees as prescribed in the current schedule of fees as adopted by the City Council.

G. The appeal shall set forth the action or decision complained of, the reason(s) alleging that the action or decision should be altered or overruled and shall be signed by the applicant or his authorized agent.

H. The City Clerk shall set the appeal for hearing before the City Council within 45 days after the appeal is filed. Upon hearing the matter, the City Council may grant, conditionally grant, or deny the appeal. The decision on the appeal shall be announced at the close of the hearing and shall become final at that time.

12.48.080 - Street trees requiring review by the Urban Forest Subcommittee and Urban Forestry Group prior to removal.

A. The Urban Forestry Group will provide a list of proposed street trees 24 inches DBH or greater to be removed to the Urban Forest Subcommittee. A notice of proposed removal must be posted on the street trees proposed to be removed a minimum of 14 days before the Urban Forest Subcommittee meeting where tree removal will be considered. The notice shall specify the date, time, and location of said Urban Forest Subcommittee meeting. If removal is recommended, a notice of such removal must be posted on the tree a minimum of 48 hours in advance of said removal.

B. If the Urban Forest Subcommittee does not support the removal of a street tree, the subcommittee must provide a written findings stating the reasons why the removal is not supported based on the criteria set forth in Section 12.48.060. The recommendation will be provided to the Community Services Director. The matter will be brought to the Parks and Recreation Commission for a determination. If the Parks and Recreation Commission denies the removal, the Community Services Director can forward the request to the City Council for a final determination.

C. Removal of street trees less than 24 inches DBH are not subject to review by the Urban Forest Subcommittee prior to the Community Services Director's determination.

12.48.090 - Street trees—Activities exempted.

- A. Nothing contained in Section 12.48.050 shall be construed to prohibit a fronting property owner from performing minor maintenance work on a street tree or require a tree permit for such activities.
- B. Nothing contained in Section 12.48.050 shall be construed to prohibit a public utility from performing such acts with respect to street trees as may be necessary to make repairs, comply with applicable safety regulations, or avoid the interruption of services.
- C. Nothing contained in Section 12.48.050 shall be construed to prohibit community volunteers from planting street trees under the guidance and direction of the Community Services Director.
- D. Nothing contained in Section 12.48.050 shall be construed to prohibit the City from performing major maintenance work on a street tree or tree removal as a result of a storm/failure, when the Community Services Director has made a determination that immediate removal is necessary to protect public health and safety.

12.48.100 - Removal and Major Maintenance of any heritage oak tree located anywhere on a developed residential property and trees 24-inches DBH or greater located within 20 feet of the back of walk on developed residential property.

- A. Except as hereinafter provided, it shall be unlawful for any person to remove, destroy, damage, mutilate, top, poison, apply herbicide to, or otherwise attempt to kill a heritage oak tree located anywhere on a developed residential property or a tree 24 inches DBH or greater within 20 feet back of walk on developed residential property without first submitting a Tree Modification Review Form to the City and being issued an encroachment permit if applicable.
- B. Owner shall submit a Tree Modification Review Form to the Director of Community Services prior to the removal or major maintenance of any heritage oak tree located on a developed residential property or any tree 24-inches DBH or greater located within 20 feet back of walk on a developed residential property.
- C. The Tree Modification Review Form shall include a bid or estimate for the removal and/or major maintenance of said tree from a business with an ISA-certified arborist on staff. If the business does not recommend major maintenance, Owner must provide a written acknowledgement of the business' recommendation.
- D. Owner must submit an encroachment permit application if removal or major maintenance of tree is planned, or work or equipment is located within the public right-of-way. An encroachment permit for the removal or major maintenance of heritage oak trees and trees 24-inches DBH or greater will not be issued until the Community Services Director has reviewed and approved the Tree Modification Review Form.
- E. All tree work conducted within the City for private trees covered under this section must be performed by a business that has an ISA-certified arborist on staff and a valid business license with the City.

12.48.110 - Willful destruction of trees located on commercial and undeveloped commercial or residential property is prohibited.

It is unlawful for any person to willfully remove, destroy, damage, mutilate, top, poison, apply herbicide to, or otherwise attempt to kill a heritage oak tree, landmark tree, specimen tree, or established tree located on commercial and undeveloped commercial or residential property in the City, except as may be allowed pursuant to the preservation and replacement requirements outlined in Sections 12.48.130 through 12.48.170. The list of landmark and specimen trees approved by the City Council shall be posted on the City's website. As used in this section, the term "damage" shall include the pruning of a heritage oak tree or established tree in a manner that is inconsistent with the pruning standards in Section 12.48.010.

12.48.120 - Building permits.

A. When any building permit, grading permit, or development permit is applied for pursuant to the Code and a proposed structure or construction project would require the destruction, removal, or pruning of a heritage oak tree, landmark tree, specimen tree, or established tree or encroachment into the drip line of any such tree, said permit shall not be issued until the Community Development Director has confirmed that all requirements of this chapter, including but not limited to the submission of a Tree Modification Review Form and issuance of an encroachment permit if needed, or approval of a Tree Preservation Plan, are met. In no event shall any disturbance of the premises, disturbance of the specified trees, or encroachment into the drip line be allowed until all requirements of the chapter are met and a building permit with appropriate conditions has been issued. The issuance of a building permit shall not serve as a defense to a violation of any provision of this chapter.

12.48.130 - Tree Preservation of Established Trees, Heritage Oak Trees, Specimen Trees and Landmark Trees as part of Development Projects or on Vacant/Undeveloped Commercial and Residential Property.

A. The City desires to preserve trees located on property proposed for development and on vacant or undeveloped sites. Preliminary site plans should be drawn with tree preservation as a key goal unless the applicant can clearly demonstrate the infeasibility of preserving the tree(s).

B. An application for a development project shall be accompanied by a Tree Preservation Plan containing the following information and which shall be approved by the applicable governing entity or body responsible for approving the development project/entitlement or by the Community Development Director where a project entitlement is not required, consistent with the processing requirements outlined in Title 17 of this Code:

1. Contour map showing the location, size, species and condition of all existing trees which are located upon the property proposed for development;
2. Identification of those trees which the applicant proposes to preserve and those which are proposed to be removed and the reason for such removal; where feasible existing mature trees shall be preserved in the site plan as a project amenity for their shade, aesthetic and environmental benefits.

- a. Any heritage oak tree, specimen tree, and landmark tree or any established tree approved for removal shall require a finding that the tree is of poor health, or that the tree poses a health, life or safety risk, and/or it is cost-prohibitive to preserve the tree in a safe and viable manner and no appropriate or feasible design alternatives exist to preserve the tree. Such finding shall be made by the applicable governing entity or body responsible for approving the development project/entitlement.
 - b. Street trees shall be subject to the requirements of Sections 12.48.050 through 12.48.090.
 - 3. A program for the preservation and protection of heritage oak trees, specimen trees, landmark trees, and established trees in healthy condition during and after completion of the development project, as required in the City engineering standards section 20.05(C);
 - 4. A program for the replacement of any healthy and viable trees proposed to be removed, as required by Section 12.48.150;
 - 5. Any change in the trees to be saved and/or removed as designated on the approved development plan shall only be permitted upon the written approval of the Community Development Director.
- F. Any heritage oak tree, specimen tree, landmark tree, or established tree approved for removal on undeveloped commercial or residential property, and not associated with a development application or building permit application, shall require a finding that the tree is of poor health, or that the tree poses a health, life or safety risk, and/or it is cost-prohibitive to preserve the tree in a safe and viable manner. Such finding shall be made by the applicable governing entity or body responsible for approving the development project or entitlement or by the Community Development Director. For healthy and viable trees approved for removal, replacement requirements as outlined in Section 12.48.150, shall apply.

12.48.140 - Encroachment into drip line area of protected trees during construction.

The existing ground surface within drip line (measured horizontally) of the trunk of any heritage oak tree, specimen tree, landmark tree, or established tree shall not be excavated, filled, compacted or paved without the consultation and consent of the Community Development Director. Tree wells may be used when advisable. Excavation adjacent to any heritage oak tree shall not be permitted where material damage to the root system may result, unless approved by an ISA-certified arborist. Excavation within an oak tree dripline, when approved by the City, may only be performed by a contractor that has an ISA-certified arborist on staff and based on a plan prepared by consulting ISA-certified arborist that has been submitted to and approved by the City in advance.

12.48.150 - Tree replacement program.

A. A person owning or controlling developing or undeveloped commercial property or undeveloped residential property shall be required to replace healthy and viable established trees approved for removal consistent with an approved Tree Preservation Plan (Section 12.48.130) or approved for removal consistent with Section 12.48.130(F), in accordance with subsection (1).

Each healthy and viable heritage oak tree, specimen tree, or landmark tree approved for removal shall be replaced in accordance with subsection (2).

1. For each six inches or fraction thereof of the diameter of an established tree which was approved for removal, two trees of an approved species, each of a minimum 15-gallon container size shall be planted on the project site.
2. For each six inches or fraction thereof of the diameter of a heritage oak tree, specimen tree, or landmark tree which was approved for removal, four trees of an approved species, each of a minimum 15-gallon container size, shall be planted on the project site.
3. If the development site is inadequate in size to accommodate the replacement of trees, the trees may be planted on public property with the approval of the Community Development Director. Upon the request of the developer and the approval of the Community Development Director, the City may accept an in-lieu payment as set forth in the City's adopted fee schedule and used for tree related projects and/or planting programs.

12.48.160 - Replacement and/or Removal of Trees on Existing, Developed Commercial Sites.

- A. Unhealthy trees or trees that pose a life-safety hazard located on a developed commercial site shall be replaced in-kind and at a 1:1 ratio, subject to a report prepared by an ISA arborist and substantially consistent with a previously approved landscape plan, including street tree spacing and parking lot shade requirements. The tree removal shall be subject to review and approval by the Community Development Director. If no landscape plan is available or on record, Owner may submit a minor design review request for the replacement or removal of trees for review and approval by the Community Development Director and/or Community Services Director as appropriate.
- B. Removal and/or replacement of heritage oak trees, landmark trees, specimen trees, or established trees shall be subject to the preservation and replacement program and ratios outlined in Sections 12.48.150 or 12.48.160.
- C. Removal of trees to allow for the installation of a solar canopy and/or electric vehicle charging stations shall avoid to the extent feasible the removal of established trees and may not include the removal of heritage oak trees, landmark or specimen trees. If feasible, trees removed shall be replaced in-kind elsewhere on the property. Owner shall submit a request for the replacement or removal of trees for review and approval by the Community Development Director and/or Community Services Director as appropriate.

12.48.170 - Maintenance of Trees and Landscaping on Developed Commercial Site.

Owner of commercial development site shall complete the installation of landscaping and trees in accordance with approved landscaped plans. Owner shall maintain landscaping and trees in healthy and attractive condition as determined by City, and consistent with the approved landscape plan and Landscape Maintenance Agreement, as applicable and pursuant to Section 17.112.060.

12.48.180 - Right of Inspection.

The Community Services Director may inspect any tree on private property in the City in accordance with law, to determine whether a property owner is in compliance with this chapter.

12.48.190 - Liability/responsibility.

This chapter shall not be construed to impose any liability upon the city, its officers or employees for the performance of any act or the failure to perform any act under this chapter, and shall not relieve the owner from the duty to keep any tree upon owner's property in such condition as to prevent it from causing damage or constituting a nuisance.

12.48.200 - Public nuisance.

The Community Services Director is authorized to cause the abatement of any public nuisance as defined under this chapter in accordance with the provisions of Chapter 9.04 of this Code.

12.48.210 - Emergency response.

An owner is not precluded by this chapter from taking action, in the event of an emergency, which would otherwise violate the terms of this chapter if such action is necessary to minimize hazardous conditions to life or property. In the event such emergency action is taken, the owner shall notify the Community Services Director by the next business day.

12.48.220 - Stop work order.

Whenever the Community Services Director or Community Development Director determines that an action being taken is in conflict with this chapter, the Community Services Director or Community Development Director shall cause to be issued a stop work order which shall prohibit such action. The stop work order shall set forth the alleged violations and may list remedies to be taken to correct the violations. The person receiving the stop work order shall report in writing to the Community Services Director or Community Development Director within 48 hours regarding the steps to be taken to correct the violations or to appeal the posting of the stop work order. The stop work order shall remain in effect until a finding is made that the circumstances giving rise to its order no longer exist. Any party receiving a stop work order may appeal through the process outlined in Section 12.48.230.

12.48.230 - Stop work order—Appeal.

Any person dissatisfied with the decision of the Community Services Director or Community Development Director or their designees to issue a stop work order made under Section 12.48.220 may appeal such decision to the City Council. Such appeal shall be in writing, stating the reasons therefor, and, except as otherwise provided herein, shall be filed with the City Clerk not later than 10 days after the date of the Community Services Director or Community Development Director's decision. The City Clerk shall set the appeal for hearing before the City Council within 45 days after the appeal is filed. Notice of the time and place of the hearing shall be given to the appellant at least 10 days in advance thereof by mail, postage prepaid. The decision of the City Council shall be final.

12.48.240 - Violation—penalty.

A. Any person violating any provision of this chapter or failing to comply with any of its mandatory provisions shall be guilty of an infraction, punishable as set forth in Section 1.08.070 of the Code.

B. For work that requires a tree permit, each person who fails to obtain a tree permit, shall be guilty of an offense for each tree affected, and each day or portion thereof following the illegal tree removal shall constitute a separate offense until a permit is obtained and the tree or trees replaced. The violator shall also be responsible for tree replacement. For all other violations of this chapter, each person shall be guilty of a separate offense for each tree affected and for each day or portion thereof that a violation of this chapter is committed, continued or permitted to occur or continue.

1. If, as a result of a violation of this chapter, the injury, mutilation or death of a street tree, heritage oak tree, specimen tree, or landmark tree, or established tree, the cost of repair or replacement of such tree, including enforcement costs, shall be borne by the person in violation of the chapter.

2. For any heritage oak tree removed on private property without a tree permit or Tree Preservation Plan, the violator shall be responsible for an administrative fine of \$1,000 per tree and the replacement of the tree in kind or in accordance with the replacement program and ratios outlined in Sections 12.48.150, and each day or portion thereof following the illegal tree removal shall constitute a separate offense until a permit or Tree Preservation Plan is obtained and the tree or trees replaced.

C. For tree removal without an approved Tree Modification Review Form on developed residential property, each person shall be guilty of a separate offense for each tree affected, and shall be responsible for administrative fines as follows:

1. For trees 24-36 inch DBH, the violator shall be responsible for an administrative fine of \$500; or

2. For trees greater than 36 inch DBH, the violator shall be responsible for an administrative fine of \$1,000.

D. For tree removal without an approved Tree Preservation Plan as part of Development Projects or without approval from the Community Development Director pursuant to Section 12.48.130(F) on Vacant/Undeveloped Commercial or Residential Property, each person who fails to obtain approval of a Tree Preservation Plan or approval from the Community Development Director, as applicable, shall be guilty of an offense for each tree affected, and each day or portion thereof following the illegal tree removal shall constitute a separate offense until approval from the applicable is obtained and the tree or trees replaced:

1. For trees 24-36 inch DBH, the violator shall be responsible for an administrative fine of \$500 and the replacement of the tree in accordance with the replacement requirements and ratios outlined in Sections 12.48.150, with such replacement approved by the Community Development Director or designee; or

2. For trees greater than 36 inch DBH, the violator shall be responsible for an administrative fine of \$1,000 and the replacement of the tree in accordance with the replacement program and ratios outlined in Sections 12.48.150, with such replacement approved by the Community Development Director or designee.

E. For purposes of determining the penalties to be levied pursuant to subsections (C) and (D), the City shall be entitled to use any available data to determine the DBH of the trees removed, including but not limited to the diameter of the remnant trunk of the removed tree, historical records of the property and aerial photographs.

F. In addition to the general penalty set forth above, any condition caused or permitted to exist in violation of this chapter shall be deemed a public nuisance and may be summarily abated by the City in accordance with Chapter 9.04 of this Code and other applicable provisions of law. Each day such condition exists shall be regarded as a new and separate offense.

G. Any administrative citation issued pursuant to this chapter may be appealed pursuant to the procedures set forth in Chapter 9.20 of this Code.

H. Nothing contained in this section shall limit the right of the City Council to authorize the City Attorney or District Attorney to seek or obtain any other form of judicial relief, legal or equitable, to which the City would be otherwise entitled.”

Section 2. Conflicting Laws. To the extent that there is any conflict between the provisions of this Ordinance and any provision of the Woodland Municipal Code, an ordinance, or a resolution or policy, all such conflicting provisions shall be superseded by this Ordinance.

Section 3. Severability. If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are severable. This City Council hereby declares that it would have adopted this Ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the Ordinance be enforced.

Section 4. Effective Date and Publication. The City Clerk shall certify to the adoption of this Ordinance, and the City Clerk shall cause this Ordinance to be posted or published as prescribed by law. This Ordinance shall take effect thirty (30) days following its adoption.

PASSED, APPROVED, AND ADOPTED at a regular meeting of the Woodland City Council this ____ day of _____, 2022.

AYES:

NOES:

ABSENT:

ABSTAIN:

Mayra Vega, Mayor

ATTEST:

APPROVED AS TO FORM:

Ana B. Gonzalez, City Clerk

Ethan Walsh, City Attorney



TO: THE HONORABLE MAYOR AND CITY COUNCIL

AGENDA: City Council Regular Meeting

DATE: December 6, 2022

ITEM #: F.7

SUBJECT: Lower Cache Creek Flood Risk Reduction Project, CIP 22-16; Create New Capital Improvement Project, Appropriate Project Funding, Approve the Federal Cost Sharing Agreement with the Army Corps of Engineers and the State of California Central Valley Flood Protection Board, Approve the Local Design Agreement with the Central Valley Flood Protection Board, and Approve Consultant Agreements.

Recommendation for Action: Staff requests that the City Council approve Resolution No. _____, authorizing the City Manager to:

1. Create a new capital project, the Lower Cache Creek Flood Risk Reduction Project, CIP 22-16; and appropriate \$900,000 from Fund 220, Sewer Enterprise Fund as an interfund loan; and
2. Authorize the City Manager to execute the Federal Cost Sharing Design Agreement with the Army Corps of Engineers (Corps) and State of California Central Valley Flood Protection Board (CVFPB); and
3. Authorize the City Manager to execute the Local Design Agreement with State of California Central Valley Flood Protection Board (CVFPB); and
4. Authorize Amendment #1 with Larson Wurzel & Associates, Inc. (LWA) for an additional amount up to \$242,300; and
5. Authorize Amendment #10 with MBK Engineers (MBK) for an additional amount up to \$100,000.

Staff Contact:

Tim Busch, Principal Utilities Civil Engineer, 530-661-5963, tim.busch@cityofwoodland.org

Fiscal Impact:

The design and construction of the Lower Cache Creek Flood Risk Reduction Project (Project) is led by the Corps with the City and State as non-federal sponsors. The cost sharing agreement between the partners includes the Corps covering 65% of costs and the non-federal sponsors covering 35% of costs. Staff are coordinating with CVFPB for cost sharing the non-federal project costs to establish the cost share allocation among the non-federal sponsors. Currently, the working cost share for the 35% non-federal project costs is 30% City and 70% CVFPB. Approval of the Federal Cost Sharing Design Agreement (FCSA) commits the City to the non-federal cost share between the City and CVFPB as identified in both the FCSA and the Local Design Agreement. Approval of the Local Design Agreement outlines the cost sharing responsibilities between the non-federal sponsors. The City's cost share can be either through direct payments to the Corps or completion of in kind work.

Initial project work includes the Pre-Construction Engineering and Design (PED). PED budget is \$7,600,000 and the initial schedule contemplates completion within 2 years. With the cost share at 65% Corps and 35% non-federal sponsors, the non-federal cost is \$2,660,000. Using a 70% CVFPB and 30% City cost share, the City portion is \$798,000.

The project has received \$2,000,000 in federal funding in FY22 to begin PED. The City's cost share of the initial project budget is \$323,100. An additional \$2,940,000 in federal funding has been requested for FY23 and the City's cost share for remainder is \$474,900 to complete the City's share of PED.

The creation of the new capital project allows for proper project tracking and budgeting as the design and

construction project is distinctly separate from the earlier feasibility study. The budget appropriation of \$900,000 to the Lower Cache Creek Flood Risk Reduction Project, CIP #22-16 is being advanced by the sewer enterprise fund, with a future repayment from the storm enterprise fund. The initial project budget for the Lower Cache Creek Flood Risk Reduction Project, CIP #22-16 is \$900,000. The funds are needed to fund the initial \$323,100 of the cost share, advocate for State and Federal funding for design and construction, complete development of a comprehensive finance strategy for the City's share of project funding for design, construction and long-term operations and maintenance, and project management.

LWA's \$92,800 contract included the initial work necessary to evaluate funding mechanisms for the City's cost share of the project and included development of a conceptual finance plan and ongoing work related to supporting the California Department of Water Resources Urban Flood Risk Reduction grant. Amendment #1 would increase the contract by \$242,300. Amendment #1 continues the work related to financing the City's cost share of the project and includes work related to formation of a benefit assessment district and public outreach and implementation. Approval of amendment #1 will increase the total, not to exceed cost, from \$92,800 to \$335,100. This work will be funded through CIP #22-16.

MBK's contract involves program management for the City's flood protection efforts, evaluation of financial viability and possibilities for leveraging State and Federal fund sources, and preparation of the design level hydraulic model. Approval of amendment #10 for Project 09-15 would increase the contract by \$100,000 and will bring the total not-to-exceed cost for the Lower Cache Creek Feasibility Study (LCCFS) program management services to \$1,244,000 from the current contract amount of \$1,144,000. This work will be funded through CIP #22-16.

Background:

The City of Woodland faces significant flood threats from both Cache Creek (located north of the City) and the Yolo Bypass (located east of the City). Cache Creek, located north of the City of Woodland, has overtopped its banks more than twenty times since 1900, with existing levees providing only an approximate ten-year level of protection. Approximately 25% of Woodland is located within the Cache Creek floodplain. Winter storms in February 2019 and resultant flows in Cache Creek and levee overtopping proved that the existing Cache Creek levees provide roughly only protection from an 8-year storm event.

The affected Project area qualifies as a disadvantaged community under 23 CCR 571, meaning it is an identified area with a median annual household income that is less than 80% of the statewide median annual household income. The median annual household income of the Project area, as a percentage of the State median annual household income, is 69.3% – well below the 80% figure contemplated in the regulations. The low-income population in the Project area is highly vulnerable to the consequences of flooding. These residents are less able to get out of harm's way and are less likely to financially recover from a flood event. The Project will improve community cohesion and ensure its long-term sustainability. It will provide protection to critical infrastructure, including Interstate 5; Highway 113; the City of Woodland's Wastewater Treatment Plant; and the Woodland-Davis Regional Water Treatment Plant, which provides essential drinking water supplies to two-thirds of Yolo County's urban population. It will also ensure the viability of a regional industrial employment center that employs approximately 10,000 people; has the world's largest tomato processing facility; the world's second largest seed producer; and regional distribution centers for Target, Rite Aid, Walmart, and Walgreens.

In addition to the benefits listed above for the Lower Cache Creek Project, the Project is included in the Central Valley Flood Protection Plan (CVFPP), which is the State of California's strategic blueprint for managing flood risk in the California Central Valley. The CVFPP is produced in coordination with USACE; tribal, regional, and local entities; and guides the State's policies, investments, partnerships, and subsequent implementation activities. The CVFPP ensures a climate-driven technical foundation for a flood management system that helps protect our communities, contributes to native species recovery, and integrates broader water management objectives. The CVFPP was first adopted in 2012 and is updated every five years. The 2022 CVFPP Update

acknowledges the need to improve equity in flood management decision making for underserved communities, especially with the increased flood risk associated with climate change. An increased spotlight on equity and social justice has accelerated overdue assessments in many public sectors, and the flood sector is no exception. Flood management agencies and organizations nationwide have acknowledged that socially vulnerable populations face disproportionate flood risk because of a variety of social, economic, and political factors, and that flood events exacerbate existing racial and social inequities. The Lower Cache Creek Project is proposed in the CVFPP as part of a program of actions along Cache Creek that will reduce flood risk, and is part of a broader regional solution to managing flood risk for this underserved community.

The Corps, City and CVFPB entered into the FCSA for the Lower Cache Creek Feasibility Study (LCCFS) in May 2011 to evaluate a flood solution for Woodland. The Corps led LCCFS has been completed with the Chief's Report Milestone in June 2021. The LCCFS identified the need for flood protection from lower Cache Creek and documented a federal interest in the project.

The project collects floodwater that leaves Cache Creek, intercepts the water prior to entering Woodland, and directs the flood water to the Yolo Bypass. A map showing the overall project features is attached. The Project conveys the flood water into the Cache Creek Settling Basin (CCSB) and partially into the City's storm drainage system. Additionally, local modifications are necessary to enhance the Corps Alternative 2A to provide a 200-year level of flood protection as required by California SB-5. The Environmental Impact Report for compliance with the California Environmental Quality Act and the Supplemental Environmental Impact Statement for compliance with the National Environmental Protection Act were both completed in 2021.

The project is included in the 2022 Water Resources Development Act to be authorized for construction through the Corps. Authorization is a necessary step in obtaining federal funding for construction of the project.

Discussion:

The FCSA establishes the contractual relationship between the Corps and the non-federal sponsors and includes the scope, schedule and budget information necessary for work on the project. The Local Design Agreement establishes the contractual relationship between the City and CVFPB as the non-federal sponsors. Overall, the Project's current cost is approximately \$321 million. It is typical for flood protection projects of this size to be designed and constructed in reaches (segments) and include multiple contracts. It is expected that the full project budget will be appropriated and that design and construction would occur over several years. The overall project will be led by the Corps. However, the non-federal sponsors may complete portions of the work as in-kind credit up to the 35% that is the non-federal sponsors' responsibility. The initial PED work is likely to include hydraulic modeling, topographic surveys, and geotechnical engineering along certain levee reaches to support the first design and construction package. The hydraulic modeling work will set the design water surface elevation and thus levee elevation and will be led by the City as part of the City's contribution to the project. Hydraulic modeling is on the critical path for project scheduling. This approach allows for a more cost effective and expeditious completion of the model. Early design work will also include a construction phasing plan to manage flooding risk during construction.

The CVFPB presented the project at the Board meeting at the June 24, 2022 meeting and intends to consider both the FCSA and Local Design Agreement at the January 2023 meeting.

As discussed above, the City and CVFPB are responsible for 35% of project costs as the non-federal sponsors. The City is also responsible for long-term operations and maintenance of the project once construction is completed. LWA provides financial support services for the project including assistance with cost sharing methodology with CVFPB, evaluating potential financing mechanisms to raise the City's cost share, and benefit assessment district engineering services for the formation of a new assessment district to fund capital improvements, operation, and maintenance of the levee system once constructed.

In addition to MBK's role as program manager for the project, MBK will also prepare the design hydraulic

model for the project. As stated above, this work is critical path and it is cost effective and benefits the design schedule for this work to be completed by MBK. The initial budget of \$100,000 may be adjusted as work progresses. The final work scope and budget for the hydraulic model will be completed as one of the initial tasks of beginning design. The work is considered in-kind credit under the FCSA as part of the City's cost share.

Conclusion:

Staff requests that the City Council approve Resolution No. _____, authorizing the City Manager to:

1. Create a new capital project, the Lower Cache Creek Flood Risk Reduction Project, CIP 22-16; and appropriate \$900,000 from Fund 220, Sewer Enterprise Fund as an interfund loan; and
2. Authorize the City Manager to execute the Federal Cost Sharing Design Agreement with the Army Corps of Engineers (Corps) and State of California Central Valley Flood Protection Board (CVFPB); and
3. Authorize the City Manager to execute the Local Design Agreement with State of California Central Valley Flood Protection Board (CVFPB); and
4. Authorize Amendment #1 with Larson Wurzel & Associates, Inc. (LWA) for an additional amount up to \$242,300; and
5. Authorize Amendment #10 with MBK Engineers (MBK) for an additional amount up to \$100,000.

Prepared by: Tim Busch, Principal Utilities Civil Engineer

Reviewed by: Brent Meyer, Community Development Director / City Engineer

A handwritten signature in black ink, appearing to read 'Ken Hiatt', with a long horizontal flourish extending to the right.

Ken Hiatt
City Manager

Attachments:

1. Resolution
2. Federal Cost Sharing Design Agreement-Lower Cache Creek
3. Local DA COW 2022
4. LWA Amendment #1
5. MBK Amendment #10

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODLAND
CREATING THE LOWER CACHE CREEK FLOOD RISK REDUCTION PROJECT,
CIP 22-16; APPROPRIATE PROJECT FUNDING; APPROVE THE FEDERAL COST
SHARING AGREEMENT; APPROVE THE LOCAL DESIGN AGREEMENT; AND
APPROVE CONSULTANT AGREEMENTS**

WHEREAS, the City of Woodland wishes to create a capital project to address flooding from Cache Creek with the Lower Cache Creek Flood Risk Reduction Project, CIP 22-16; and

WHEREAS, the Lower Cache Creek Flood Risk Reduction Project (Project) is led by the Army Corps of Engineers and has been funded with \$2 million in Federal money to begin Pre-Construction Engineering and Design; and

WHEREAS, the City and California Central Valley Flood Protection Board are non-federal sponsors of the Project and are collectively responsible for 35% of Project costs; and

WHEREAS, the City and State of California Central Valley Flood Protection Board are anticipated to be responsible for 30 percent and 70 percent of non-federal costs respectively; and

WHEREAS, the City wishes to enter into the Federal Cost Sharing Design Agreement with the Army Corps of Engineers and State of California Central Valley Flood Protection Board; and

WHEREAS, the City wishes to enter into the Local Design Agreement with the State of California Central Valley Flood Protection Board; and

WHEREAS, the City Council wishes to appropriate \$900,000 from the Sewer Enterprise Fund with future repayment from the Storm Drain Enterprise Fund to CIP 22-16, and

WHEREAS, the City Council wishes to approve the additional budget appropriation through the adoption of this Resolution.

WHEREAS, the contract amendment with LWA authorizes an additional contract amount of \$242,300 to cover the scope of work and fund through CIP #22-16. The current contract amount is \$92,800 and with this amendment, the new contract amount is \$335,100; and

WHEREAS, the contract amendment with MBK authorizes an additional contract amount of \$100,000 to cover the scope of work and fund through CIP #22-16. The current contract amount is \$1,144,000 and with this amendment, the new contract amount is \$1,244,000; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WOODLAND AS FOLLOWS:

Section 1. The City Council hereby approves the creation of CIP 22-16, the Lower Cache Creek Flood Risk Reduction Project; and

Section 2. The City Council hereby approves the budget appropriation in the amount of \$900,000 for the Lower Cache Creek Flood Risk Reduction Project, CIP 22-16 from the Sewer Enterprise Fund with future repayment from the Storm Drain Enterprise Fund; and

Section 3. The City Council hereby approves the Federal Cost Sharing Design Agreement with the Army Corps of Engineers. The City Manager is hereby authorized and directed to execute the Agreement, subject to City Attorney approval. The City Attorney is hereby authorized to make clarifying and confirming changes so long as the total dollar amount authorized in the Agreement does not change.

Section 4. The City Council hereby approves the Local Design Agreement with the State of California Central Valley Flood Protection Board. The City Manager is hereby authorized and directed to execute the Agreement, subject to City Attorney approval. The City Attorney is hereby authorized to make clarifying and confirming changes so long as the total dollar amount authorized in the Agreement does not change.

Section 5. The City Council hereby approves Amendment #1 with LWA in the amount of \$242,300 for a total contract amount of \$335,100 and fund through CIP #22-16. The City Manager is hereby authorized and directed to execute the Agreement, subject to City Attorney approval. The City Attorney is hereby authorized to make clarifying and confirming changes so long as the total dollar amount authorized in the Agreement does not change.

Section 6. The City Council hereby approves Amendment #10 with MBK in the amount of \$100,000 for a total contract amount of \$1,244,000 and fund through CIP #22-16. The City Manager is hereby authorized and directed to execute the Agreement, subject to City Attorney approval. The City Attorney is hereby authorized to make clarifying and confirming changes so long as the total dollar amount authorized in the Agreement does not change.

PASSED AND ADOPTED this 6th day of December 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Mayra Vega, Mayor

ATTEST:

Ana B. Gonzalez, City Clerk



MODEL DESIGN AGREEMENT
NOVEMBER 12, 2015
(with updates as of MARCH 4, 2022)

APPLICABILITY AND INSTRUCTIONS:

1. The attached model design agreement (DA) must be used for all cost shared design EXCEPT for projects and programs with Project Partnership Agreements that cover both design and construction, e.g., Continuing Authorities Program projects. Note that this model is used for design under the Tribal Partnership Program, Section 203 of the WRDA 2000, as amended (33 U.S.C. 2269), both for projects that are under the Section 203 per project Federal participation limit but have not yet received Construction funds and for projects that will require specific Congressional authorization.
2. The MSC Commander has delegated authority to approve a DA, including an amendment incorporating an approved option to the model, only if there are no substantive deviations from the approved model. Before approval, division counsel is required to concur that the DA does not substantively deviate from the model and is appropriate to use for the particular project. If there are substantive deviations, the agreement package, along with the MSC Division Commander's recommendations, must be transmitted to the appropriate HQUSACE RIT and the HQ Agreements Team (DLL-HQ-Agreements-Team@usace.army.mil) for review and requires the Director of Civil Works' approval. The District Commander is authorized to execute the agreement after its approval.
3. The following options, including language for the DA, are addressed in the Attachment:
 - a. Option 1: Not An Obligation of Future Appropriations (page A-1).
 - b. Option 2: Multiple Sponsors (page A-2).
 - c. Option 3: Accelerated Funds, following Committee notification (page A-3).
 - d. Option 4: Contributed Funds, following Committee notification (page A-4).
 - e. Option 5: Additional Work (page A-5).
 - f. Option 6: Tribal Partnership Program with Ability to Pay Adjustment (page A-6).
 - g. Option 7: Design of a Locally Preferred Plan (page A-8).
4. Reminder: Make all required insertions, including language associated with an option; remove this cover page; remove the open and close brackets and any instructional text; ensure the page numbers, spacing, and page breaks throughout the DA are appropriate; if more than one option is used, ensure the Article and paragraph numbering are correct; and delete the Attachment.
5. The Certificate of Authority, Certification Regarding Lobbying, and the Non-Federal Sponsor's Self-Certification of Financial Capability should be included as a part of the DA package. These certificates can be found on the Corps' "Project Partnership" website under the "Forms" tab.

Attachment

DESIGN AGREEMENT
BETWEEN
THE DEPARTMENT OF THE ARMY,
THE STATE OF CALIFORNIA
CENTRAL VALLEY FLOOD PROTECTION BOARD,
AND
THE CITY OF WOODLAND, CALIFORNIA
FOR
DESIGN
FOR THE
LOWER CACHE CREEK, YOLO COUNTY, WOODLAND AND VICINITY, CA
PROJECT

THIS AGREEMENT is entered into this ____ day of _____,
_____, by and between the Department of the Army (hereinafter the “Government”),
represented by the District Commander for Sacramento District (hereinafter the “District
Commander”) and the State of California Central Valley Flood Protection Board,
represented by its Board President and the City of Woodland California, represented by
its Mayor, (hereinafter the “Non-Federal Sponsors”),

WITNESSETH, THAT:

WHEREAS, Federal funds were provided in Consolidated Appropriations Act,
2022, Division D - the Consolidated Appropriations Act of 2022, Title I (Public Law
117-103) to initiate design of proposed flood and storm damage reduction projects and
related efforts prior to construction;

WHEREAS, Section 103 of the Water Resources Development Act of 1986, as
amended (33 U.S.C. 2211), specifies the cost-sharing requirements applicable to
construction of the Project, and Section 105(c) of the Water Resources Development Act
of 1986 (33 U.S.C. 2215(c)), provides that the costs of design shall be shared in the same
percentages as construction of the Project;

WHEREAS, based on the Project’s primary purpose of flood risk management,
the parties agree that the Non-Federal Sponsors shall contribute 35 percent of the design
costs under this Agreement;

WHEREAS, pursuant to Section 221(a)(4) of the Flood Control Act of 1970, as
amended (42 U.S.C. 1962d-5b(a)), the Non-Federal Sponsors may perform or provide in-
kind contributions for credit towards the non-Federal share of the total design costs; and

WHEREAS, the Government and Non-Federal Sponsors have the full authority
and capability to perform in accordance with the terms of this Agreement.

NOW, THEREFORE, the parties agree as follows:

ARTICLE I - DEFINITIONS

A. The term “Project” means, principally, constructing 5.6 miles of new levee and seepage berms, improving 2.3 miles of existing levee and evaluating the potential for a cutoff wall, constructing up to 5.6 miles of drainage channel, installing a 3,000 foot inlet weir and degrading the adjacent 3,000 foot training levee, and installing approximately four closure structures across roads and railways, as generally described in the Lower Cache Creek, Yolo County, Woodland and Vicinity, California Chief’s Report, dated February 2021 and approved by the Chief of Engineers on June 21, 2021.

B. The term “Design” means the activities associated with the development of detailed pre-construction engineering and designs for the Lower Cache Creek reaches that include the preparation of plans and specifications and the associated reviews of the Non-Federal sponsors’ in-kind work products for the Project.

C. The term “design costs” means the sum of all costs that are directly related to the Design and cost shared in accordance with the terms of this Agreement. Subject to the provisions of this Agreement, the term shall include the Government’s costs for engineering and design, including economic, real estate, and environmental analyses, a safety assurance review, if required, and supervision and administration; and the Non-Federal Sponsors’ creditable costs for in-kind contributions, if any. The term does not include any costs for dispute resolution; participation by the Government and Non-Federal Sponsors in the Design Coordination Team to discuss significant issues and actions; audits; betterments; or the Non-Federal Sponsors’ cost of negotiating this Agreement.

D. The term “HTRW” means hazardous, toxic, and radioactive wastes, which includes any material listed as a “hazardous substance” (42 U.S.C. 9601(14)) regulated under the Comprehensive Environmental Response, Compensation, and Liability Act (hereinafter “CERCLA”) (42 U.S.C. 9601-9675) and any other regulated material in accordance with applicable laws and regulations.

E. The term “in-kind contributions” means those creditable materials or services provided by the Non-Federal Sponsors that are identified as being integral to Design of the Project by the Division Commander for the South Pacific Division (hereinafter the “Division Commander”). To be integral, the material or service must be part of the work that the Government would otherwise have undertaken for Design of the Project. In-kind contributions also include any investigations performed by the Non-Federal Sponsors to identify the existence and extent of any HTRW as required for Design of the Project.

F. The term “betterment” means a difference in the Design of the Project that results from the application of standards that the Government determines exceed those that the Government would otherwise apply to Design of the Project.

G. The term “fiscal year” means one year beginning on October 1st and ending on September 30th of the following year.

ARTICLE II - OBLIGATIONS OF THE GOVERNMENT AND THE NON-FEDERAL SPONSORS

A. In accordance with Federal laws, regulations, and policies, the Government shall conduct the Design using funds appropriated by the Congress and funds provided by the Non-Federal Sponsors. In carrying out its obligations under this Agreement, the Non-Federal Sponsors shall comply with all requirements of applicable Federal laws and implementing regulations, including but not limited to, if applicable, Section 601 of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000d), and Department of Defense Directive 5500.11 issued pursuant thereto; the Age Discrimination Act of 1975 (42 U.S.C. 6102); and the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), and Army Regulation 600-7 issued pursuant thereto.

B. The Non-Federal Sponsors shall contribute 35 percent of design costs in accordance with the provisions of this paragraph.

1. The Non-Federal Sponsors shall be responsible for undertaking any investigations that the Government determines are required for Design of the Project to identify the existence and extent of any HTRW.

2. After considering the estimated amount of credit for in-kind contributions, if any, that will be afforded in accordance with paragraph C. of this Article, the Government shall provide the Non-Federal Sponsors with a written estimate of the amount of funds required from the Non-Federal Sponsors to meet their cost share for the initial fiscal year of the Design. No later than 60 calendar days after such notification, the Non-Federal Sponsors shall provide the full amount of such funds to the Government in accordance with Article III.C.

3. No later than August 1st prior to each subsequent fiscal year of the Design, the Government shall provide the Non-Federal Sponsors with a written estimate of the amount of funds required from the Non-Federal Sponsors during that fiscal year to meet their cost share. No later than September 1st prior to that fiscal year, the Non-Federal Sponsors shall provide the full amount of such required funds to the Government in accordance with Article III.C.

C. The Government shall include in design costs and credit towards the Non-Federal Sponsors’ share of such costs, the cost of in-kind contributions performed by the Non-Federal Sponsors that are determined by the Government to be integral to Design of the Project. Creditable in-kind contributions may include costs for engineering, design, and supervision and administration, but shall not include any costs associated with betterments. Such costs shall be subject to audit in accordance with Article VII to

determine reasonableness, allocability, and allowability, and crediting shall be in accordance with the following procedures, requirements, and limitations:

1. As in-kind contributions are completed and no later than 60 calendar days after such completion, the Non-Federal Sponsors shall provide the Government appropriate documentation for the Government to determine the costs that are creditable to the Non-Federal Sponsors' share of design costs. Failure to provide such documentation in a timely manner may result in denial of credit. Appropriate documentation includes invoices and certification of specific payments to contractors, suppliers, and the Non-Federal Sponsors' employees.

2. No credit shall be afforded for the following: interest charges, or any adjustment to reflect changes in price levels between the time the in-kind contributions are completed and credit is afforded; the value of in-kind contributions obtained at no cost to the Non-Federal Sponsors; any items provided or performed prior to the effective date of this Agreement unless covered by an In-Kind Memorandum of Understanding; any items not identified as integral in the integral determination report; or costs that exceed the Government's estimate of the cost for such in-kind contributions.

3. No reimbursement will be provided for any in-kind contributions that exceed the Non-Federal Sponsors' share of the design costs under this Agreement.

D. To the extent practicable and in accordance with Federal laws, regulations, and policies, the Government shall afford the Non-Federal Sponsors the opportunity to review and comment on contracts solicitations prior to the Government's issuance of such solicitations; proposed contract modifications, including change orders; and contract claims prior to resolution thereof. Ultimately, the contents of solicitations, award of contracts, execution of contract modifications, and resolution of contract claims shall be exclusively within the control of the Government.

E. The Non-Federal Sponsors shall not use Federal program funds to meet any of its obligations under this Agreement unless the Federal agency providing the funds verifies in writing that the funds are authorized to be used for the Project. Federal program funds are those funds provided by a Federal agency, plus any non-Federal contribution required as a matching share therefor.

F. In addition to the ongoing, regular discussions between the parties regarding Design delivery, the Government and the Non-Federal Sponsors may establish a Design Coordination Team to discuss significant issues or actions. Neither the Government's nor the Non-Federal Sponsors' costs for participation on the Design Coordination Team shall be included in the design costs. The Non-Federal Sponsors' costs for participation on the Design Coordination Team shall be paid solely by the Non-Federal Sponsors without reimbursement or credit.

G. The Non-Federal Sponsors may request in writing that the Government include betterments in the Design of the Project. Each request shall be subject to review

and written approval by the Division Commander. If the Government agrees to such request, the Non-Federal Sponsors, in accordance with Article III.F., must provide funds to cover the difference in the costs for design of such work, as determined by the Government, in advance of the Government performing the work.

H. If the Government and Non-Federal Sponsors enter into a Project Partnership Agreement for construction of the Project, the Government shall include the design costs in the calculation of construction costs for the Project in accordance with the terms and conditions of the Project Partnership Agreement.

ARTICLE III - PAYMENT OF FUNDS

A. As of the effective date of this Agreement, design costs are projected to be \$7,600,000, with the Government's share of such costs projected to be \$4,940,000, and the Non-Federal Sponsors' share of such costs projected to be \$2,660,000, which includes creditable in-kind contributions projected to be \$700,000 and the amount of funds required to meet its cost share projected to be \$1,960,000. Costs for betterments are projected to be \$0. These amounts are estimates subject to adjustment by the Government, after consultation with the Non-Federal Sponsors, and are not to be construed as the total financial responsibilities of the Government and the Non-Federal Sponsors.

B. The Government shall provide the Non-Federal Sponsors with monthly reports setting forth the estimated design costs and the Government's and Non-Federal Sponsors' estimated shares of such costs; costs incurred by the Government, using both Federal and Non-Federal Sponsors funds, to date; the amount of funds provided by the Non-Federal Sponsors to date; the estimated amount of any creditable in-kind contributions; and the estimated remaining cost of the Design.

C. The Non-Federal Sponsors shall provide to the Government required funds by delivering a check payable to "FAO, USAED, Sacramento District (L2) to the District Commander, or verifying to the satisfaction of the Government that the Non-Federal Sponsors have deposited such required funds in an escrow or other account acceptable to the Government, with interest accruing to the Non-Federal Sponsors, or by providing an Electronic Funds Transfer of such required funds in accordance with procedures established by the Government.

D. The Government shall draw from the funds provided by the Non-Federal Sponsors to cover the non-Federal share of the design costs as those costs are incurred. If the Government determines at any time that additional funds are needed from the Non-Federal Sponsors to cover the Non-Federal Sponsors' required share of the design costs, the Government shall provide the Non-Federal Sponsors with written notice of the amount of additional funds required. Within 60 calendar days of such notice, the Non-Federal Sponsors shall provide the Government with the full amount of such additional funds.

E. Upon completion of the Design and resolution of all relevant claims and appeals, the Government shall conduct a final accounting and furnish the Non-Federal Sponsors with the written results of such final accounting. Should the final accounting determine that additional funds are required from the Non-Federal Sponsors, the Non-Federal Sponsors, within 60 calendar days of written notice from the Government, shall provide the Government with the full amount of such additional funds by delivering a check payable to "FAO, USAED, Sacramento District (L2) to the District Commander, or by providing an Electronic Funds Transfer of such funds in accordance with procedures established by the Government. Should the final accounting determine that the Non-Federal Sponsors have provided funds in excess of its required amount, the Government shall refund the excess amount, subject to the availability of funds or if requested by the Non-Federal Sponsors, apply the excess amount towards the non-Federal share of the cost of construction of the Project in the event a Project Partnership Agreement is executed for the Project. Such final accounting does not limit the Non-Federal Sponsors' responsibility to pay their share of design costs, including contract claims or any other liability that may become known after the final accounting.

F. If the Government agrees to include betterments on the Non-Federal Sponsors' behalf, the Government shall provide written notice to the Non-Federal Sponsors of the amount of funds required to cover such costs. No later than 30 calendar days after receipt of such written notice, the Non-Federal Sponsors shall make the full amount of such required funds available to the Government through either payment method specified in Article III.E. If at any time the Government determines that additional funds are required to cover any such costs, as applicable, the Non-Federal Sponsors shall provide those funds within 30 calendar days from receipt of written notice from the Government. If the Government determines that funds provided by the Non-Federal Sponsors exceed the amount required for the Government to complete such work, the Government shall refund any remaining unobligated amount.

ARTICLE IV - TERMINATION OR SUSPENSION

A. If at any time the Non-Federal Sponsors fails to fulfill their obligations under this Agreement, the Government may suspend or terminate Design unless the Assistant Secretary of the Army (Civil Works) determines that continuation of the Design is in the interest of the United States or is necessary in order to satisfy agreements with any other non-Federal interests in connection with the Project.

B. If the Government determines at any time that the Federal funds made available for the Design are not sufficient to complete such work, the Government shall so notify the Non-Federal Sponsors in writing within 30 calendar days, and upon exhaustion of such funds, the Government shall suspend Design until there are sufficient Federal funds appropriated by the Congress and funds provided by the Non-Federal Sponsors to allow Design to resume.

C. In the event of termination, the parties shall conclude their activities relating to the Design and conduct an accounting in accordance with Article III.E. To provide for this eventuality, the Government may reserve a percentage of available funds as a contingency to pay costs of termination, including any costs of resolution of contract claims and contract modifications.

D. Any suspension or termination shall not relieve the parties of liability for any obligation incurred. Any delinquent payment owed by the Non-Federal Sponsors pursuant to this Agreement shall be charged interest at a rate, to be determined by the Secretary of the Treasury, equal to 150 per centum of the average bond equivalent rate of the 13 week Treasury bills auctioned immediately prior to the date on which such payment became delinquent, or auctioned immediately prior to the beginning of each additional 3 month period if the period of delinquency exceeds 3 months.

ARTICLE V - HOLD AND SAVE

The Non-Federal Sponsors shall hold and save the Government free from all damages arising from the Design, except for damages due to the fault or negligence of the Government or its contractors.

ARTICLE VI - DISPUTE RESOLUTION

As a condition precedent to a party bringing any suit for breach of this Agreement, that party must first notify the other party in writing of the nature of the purported breach and seek in good faith to resolve the dispute through negotiation. If the parties cannot resolve the dispute through negotiation, they may agree to a mutually acceptable method of non-binding alternative dispute resolution with a qualified third party acceptable to the parties. Each party shall pay an equal share of any costs for the services provided by such a third party as such costs are incurred. The existence of a dispute shall not excuse the parties from performance pursuant to this Agreement.

ARTICLE VII - MAINTENANCE OF RECORDS AND AUDIT

A. The parties shall develop procedures for the maintenance by the Non-Federal Sponsors of books, records, documents, or other evidence pertaining to costs and expenses for a minimum of three years after the final accounting. The Non-Federal Sponsors shall assure that such materials are reasonably available for examination, audit, or reproduction by the Government.

B. The Government may conduct, or arrange for the conduct of, audits of the Design. Government audits shall be conducted in accordance with applicable Government cost principles and regulations. The Government's costs of audits for the Design shall not be included in design costs.

C. To the extent permitted under applicable Federal laws and regulations, the Government shall allow the Non-Federal Sponsors to inspect books, records, documents, or other evidence pertaining to costs and expenses maintained by the Government, or at the Non-Federal Sponsors' request, provide to the Non-Federal Sponsors or independent auditors any such information necessary to enable an audit of the Non-Federal Sponsors' activities under this Agreement. The Non-Federal Sponsors shall pay the costs of non-Federal audits without reimbursement or credit by the Government.

ARTICLE VIII - RELATIONSHIP OF PARTIES

In the exercise of their respective rights and obligations under this Agreement, the Government and the Non-Federal Sponsors each act in an independent capacity, and neither is to be considered the officer, agent, or employee of the other. Neither party shall provide, without the consent of the other party, any contractor with a release that waives or purports to waive any rights a party may have to seek relief or redress against that contractor.

ARTICLE IX - NOTICES

A. Any notice, request, demand, or other communication required or permitted to be given under this Agreement shall be deemed to have been duly given if in writing and delivered personally or mailed by registered or certified mail, with return receipt, as follows:

If to the Non-Federal Sponsors:

Central Valley Flood Protection Board
President, CVFPB
3310 El Camino Avenue, Suite 170
Sacramento, CA 95821

and

Mayor, City of Woodland
300 First Street
Woodland CA 95695

If to the Government:

District Commander
U.S. Army Corps of Engineers, Sacramento District
1325 J Street
Sacramento, CA 95814

B. A party may change the recipient or address to which such communications are to be directed by giving written notice to the other party in the manner provided in this Article.

ARTICLE X - CONFIDENTIALITY

To the extent permitted by the laws governing each party, the parties agree to maintain the confidentiality of exchanged information when requested to do so by the providing party.

ARTICLE XI - THIRD PARTY RIGHTS, BENEFITS, OR LIABILITIES

Nothing in this Agreement is intended, nor may be construed, to create any rights, confer any benefits, or relieve any liability, of any kind whatsoever in any third person not party to this Agreement.

ARTICLE XII - OBLIGATIONS OF FUTURE APPROPRIATIONS

The Non-Federal Sponsors intend to fulfill fully their obligations under this Agreement. Nothing herein shall constitute, nor be deemed to constitute, an obligation of future appropriations by the Legislature of the State of California or the Board of Directors of the City of Woodland, California, where creating such an obligation would be inconsistent with Section 1 or Section 18 of Article XVI of the California Constitution. If the Non-Federal Sponsors are unable to, or do not, fulfill their obligations under this Agreement, the Government may exercise any legal rights it has to protect the Government's interests.

ARTICLE XIII – JOINT AND SEVERAL RESPONSIBILITY OF THE NON-FEDERAL SPONSORS

The obligations and responsibilities of the Non-Federal Sponsors shall be joint and several, such that each Non-Federal Sponsor shall be liable for the whole performance of the obligations and responsibilities of the Non-Federal Sponsors under the terms and provisions of this Agreement. The Government may demand the whole performance of said obligations and responsibilities from any of the entities designated herein as one of the Non-Federal Sponsors.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement, which shall become effective upon the date it is signed by the District Commander.

DEPARTMENT OF THE ARMY

THE STATE OF CALIFORNIA
CENTRAL VALLEY FLOOD
PROTECTION BOARD

BY: _____
Chad W. Caldwell
Colonel, U.S. Army
District Commander

BY: _____
Jane Dolan
President, Central Valley
Flood Protection Board

DATE: _____

DATE: _____

CALIFORNIA

THE CITY OF WOODLAND

BY: _____
Mayra Vega
Mayor
City of Woodland California

DATE: _____

Option 1: Not An Obligation of Future Appropriations. Section 221(a) of the Flood Control Act of 1970, as amended (42 U.S.C. 1962d-5b), provides that an agreement may reflect that it does not obligate future appropriations when doing so is inconsistent with constitutional or statutory limitations of a State or political subdivision thereof. However, section 221(a) does NOT provide that the Non-Federal Sponsor's performance and payments are subject to appropriations of funds. The Government retains the right to exercise any legal rights it has to protect the Government's interests. If applicable and requested by the Non-Federal Sponsor, insert into the DA as the last Article the following:

"ARTICLE XII - OBLIGATIONS OF FUTURE APPROPRIATIONS

The Non-Federal Sponsor intends to fulfill fully its obligations under this Agreement. Nothing herein shall constitute, nor be deemed to constitute, an obligation of future appropriations by the **[Insert name of the legislative body that makes the appropriations, e.g., legislature of the State of New York or the New York City Council]**, where creating such an obligation would be inconsistent with **[Insert the specific citation to the constitutional or statutory limitation on committing future appropriations]**. If the Non-Federal Sponsor is unable to, or does not, fulfill its obligations under this Agreement, the Government may exercise any legal rights it has to protect the Government's interests."

Option 2: Multiple Non-Federal Sponsors.

1. It is strongly preferred that there is one party only as the Non-Federal Sponsor for the DA. Nonetheless, it is permissible to have more than one Non-Federal Sponsor if the Non-Federal Sponsors are jointly and severally responsible for all non-Federal obligations and responsibilities under the DA. **The DA should be modified to use the term “Non-Federal Sponsors” throughout along with the necessary modifications to change, as appropriate, verbs and pronouns from singular to plural.** In addition, insert into the DA as the last Article the following:

**“ARTICLE XII – JOINT AND SEVERAL RESPONSIBILITY OF THE
NON-FEDERAL SPONSORS**

The obligations and responsibilities of the Non-Federal Sponsors shall be joint and several, such that each Non-Federal Sponsor shall be liable for the whole performance of the obligations and responsibilities of the Non-Federal Sponsors under the terms and provisions of this Agreement. The Government may demand the whole performance of said obligations and responsibilities from any of the entities designated herein as one of the Non-Federal Sponsors.”

2. If one of the Non-Federal Sponsors is a non-profit entity, in accordance with ASA(CW) Memorandum, dated April 5, 2012, Subject: Implementation Guidance for Section 2003(b) of the Water Resources Development Act of 2007 - Definition of Non-Federal Interest, confirm eligibility of the non-profit entity to serve as one of the Non-Federal Sponsors and ensure that a legally constituted public body is also serving as one of the Non-Federal Sponsors on the agreement. This memorandum can be found on the Corps’ “Project Partnership Agreements” website under the “Guidance” tab. Also, for the non-profit entity that is serving as one of the Non-Federal Sponsors, use the Certificate of Authority for a Non-Profit Entity as provided on the Corps’ PPA website under the “Forms” tab.

In addition to the DA changes in paragraph 1. above, when one of the Non-Federal Sponsors is a non-profit entity also make the following changes to the DA:

Delete the “and” at the end of the third WHEREAS clause and insert the following WHEREAS clauses after the third WHEREAS clause in the agreement:

“WHEREAS, the [FULL NAME OF NONPROFIT ENTITY] is an organization that is incorporated under the applicable laws of the [State of _____ or Commonwealth of _____] as a non-profit organization, exempt from paying Federal income taxes under Section 501 of the Internal Revenue Code (26 U.S.C. 501);

WHEREAS, by letter dated [MONTH DAY, YEAR], the [FULL NAME OF AFFECTED LOCAL GOVERNMENT], the affected local government has consented to the [FULL NAME OF NON-PROFIT ENTITY], serving as a Non-Federal Sponsor for the Study; and”

Option 3: Accelerated Funds, following Committee notification. Following completion of the Committee notification process, the DA may include the following changes:

Guidance on Accelerated Funds is provided in CECW-P (2020-01) Director's Policy Memorandum FY 2020, dated December 19, 2019, Subject: Acceptance of Contributed Funds, Advanced Funds, and Accelerated Funds. This memorandum can be found on the Corps' "Project Partnership Agreements" website.

1. Delete the "and" at the end of the next to last WHEREAS clause and insert the following WHEREAS clause after the next to last WHEREAS clause in the DA:

"WHEREAS, the Non-Federal Sponsor proposes to accelerate its provision of funds (hereinafter "accelerated funds") for the immediate use by the Government for the Design; and"

2. Add a new paragraph H. to Article I as follows:

"H. The term "accelerated funds" means non-Federal funds out of proportion with Federal funds but within the ultimate non-Federal cash contribution."

3. Add new paragraph I. to Article II as follows.

"I. In addition to providing the funds required by paragraph B. of this Article, the Non-Federal Sponsor may provide accelerated funds for immediate use by the Government. The Non-Federal Sponsor understands that use of accelerated funds shall not constitute any commitment by the Government to budget, or the Congress to appropriate, funds for this Design or to match any accelerated funds provided by the Non-Federal Sponsor; that any accelerated funds will be credited toward the Non-Federal Sponsor's cost share only to the extent matching Federal funds are provided; and that the Non-Federal Sponsor is not entitled to any repayment for any accelerated funds obligated by the Government even if the Design ultimately is not completed."

Option 4: Contributed Funds, following Committee notification. The cost of work funded with Contributed Funds is included in design costs subject to cost sharing. Contributed Funds are applied toward the Federal cost share.

Guidance on Contributed Funds is provided in CECW-P (2020-01) Director's Policy Memorandum FY 2020, dated December 19, 2019, Subject: Acceptance of Contributed Funds, Advanced Funds, and Accelerated Funds. This memorandum can be found on the Corps' "Project Partnership Agreements" website.

Following completion of the Committee notification process, the DA may include the following changes:

1. Delete the "and" at the end of the next to last WHEREAS clause and insert the following WHEREAS clause after the next to last WHEREAS clause in the DA:

"WHEREAS, in addition to providing the required non-Federal cost share, the Non-Federal Sponsor considers it to be in its own interest to contribute funds voluntarily (hereinafter the "Contributed Funds") to be used by the Government for the Design, as authorized pursuant to 33 U.S.C. 701h; and"

2. Add as the third sentence in Article I.C. the following:

"The term also includes the cost of work funded with Contributed Funds."

3. Add a new paragraph H. to Article I as follows:

"H. The term "Contributed Funds" means those funds above any statutorily required non-Federal cost share that are provided voluntarily by the Non-Federal Sponsor for funding the Design, with no credit or repayment authorized for such funds."

4. Add a new paragraph I. to Article II as follows:

"I. In addition to providing the funds required pursuant to paragraph B. of this Article, the Non-Federal Sponsor will be providing Contributed Funds currently estimated at \$_____, for the Design. The Non-Federal Sponsor shall make the full amount of such funds available to the Government by delivering a check payable to "FAO, USAED, [**Insert District and EROC code, e.g., New Orleans (B2)**]" to the District Commander, or by providing an Electronic Funds Transfer of such funds in accordance with procedures established by the Government. No credit or repayment is authorized, nor shall be provided, for any Contributed Funds provided by the Non-Federal Sponsor that are obligated by the Government. In addition, acceptance and use of Contributed Funds shall not constitute, represent, or imply any commitment to budget or appropriate funds for the Design in the future."

Option 5: Additional Work. If additional work for design is requested by the Non-Federal Sponsor and approved by the Division Commander, the DA should include the following changes:

1. Delete the “and” at the end of the next to last WHEREAS clause and insert the following WHEREAS clause after the next to last WHEREAS clause in the DA:

“WHEREAS, 33 U.S.C. 701h authorizes the Government to undertake, at the Non-Federal Sponsor’s full expense, additional work while the Government is carrying out the Design; and”

2. Replace the last sentence in Article I.C. with the following:

“The term does not include any costs for dispute resolution; participation by the Government and Non-Federal Sponsor in the Design Coordination Team to discuss significant issues and actions; audits; betterments; additional work; or the Non-Federal Sponsor’s cost of negotiating this Agreement.”

3. Add a new paragraph H. to Article I as follows:

“H. The term “additional work” means items of work related to, but not cost shared as a part of, the Design that the Government will undertake on the Non-Federal Sponsor’s behalf while the Government is carrying out the Design, with the Non-Federal Sponsor responsible for all costs and any liabilities associated with such work.”

4. Replace the first sentence in Article II.G. with the following:

“The Non-Federal Sponsor may request in writing that the Government include betterments in the Design of the Project or perform additional work.”

5. Replace the second sentence in Article III.A. with the following:

“Costs for betterments are projected to be \$_____ and costs for additional work are projected to be \$_____.”

6. Replace the first sentence in Article III.F. with the following:

“If the Government agrees to include betterments or perform additional work on the Non-Federal Sponsor’s behalf, the Government shall provide written notice to the Non-Federal Sponsor of the amount of funds required to cover such costs.”

Option 6: Tribal Partnership Program with Ability to Pay Adjustment.

This option will be used for design of a project under the Tribal Partnership Program, Section 203 of the Water Resources Development Act of 2000, as amended (33 U.S.C. 2269), if the tribe qualifies for the ability to pay adjustment provided by 33 U.S.C. 2269(d)(1). The following changes below to the DA should be made:

Note: To determine the Non-Federal Sponsor's cash contribution for design of a project, first calculate the non-Federal cost share based on the ability to pay adjustment by multiplying the cost share for the Project's primary purpose by 25 percent factor (if the cost share for the Project's primary purpose is 35 percent, $35 \text{ percent} \times 0.25 = 8.75 \text{ percent}$). Next determine the Non-Federal Sponsor's share of design costs ($\$1,000,000 \times 0.0875$). Last, subtract the creditable in-kind contributions from that resulting amount to determine the amount of funds required from the Non-Federal Sponsor to meet its ability to pay cost share. For example, if design costs are projected to be \$1,000,000 and creditable in-kind contributions are projected to be \$50,000, the Non-Federal Sponsor's cash contribution for design would be \$37,500.

Design costs:	\$1,000,000
Non-Federal ability to pay cost share percentage:	8.75% ($35\% \times 0.25$)
Non-Federal Sponsor share of design costs:	\$87,500 ($\$1,000,000 \times 0.0875$)
Creditable in-kind contributions:	\$50,000
Cash Contributions:	\$37,500

1. Replace the WHEREAS clauses in their entirety with the following:

“WHEREAS, Federal funds were provided in **[Insert appropriations cite]** to initiate design of **[Insert short description of the project or separable element]**;

WHEREAS, Section 105(c) of the Water Resources Development Act of 1986 (33 U.S.C. 2215(c)), provides that the costs of design shall be shared in the same percentages as construction of the Project, and the cost share for the Project's primary water resources related purpose of **[Insert, as appropriate, commercial navigation, flood risk management, coastal storm risk management, or ecosystem restoration]** is **[Insert cost sharing percentage for primary project purpose, e.g., commercial navigation, use 10, 25, or 50, depending on the maximum depth of the project; coastal storm risk management, ecosystem restoration, or nonstructural flood risk management, use 35; and structural flood risk management, use 35 or if current estimate of project costs shows the non-Federal cost share will be 50 percent, use 50]** percent of the design costs;

WHEREAS, pursuant to Section 203(d)(1) of the Water Resources Development Act of 2000, as amended (33 U.S.C. 2269(d)(1)), the Government has determined that the Non-Federal Sponsor has met the criteria for an ability to pay adjustment consisting of the application of a 25 percent factor (hereinafter the “ability to pay adjustment”) that reduces the Non-Federal Sponsor's required cost share to **[Insert 25 percent of the cost sharing percentage identified in the 2nd Whereas clause, e.g., if the cost sharing for the primary purpose is 35 percent, insert 8.75]** percent of the design costs; and

Attachment

WHEREAS, the Government and Non-Federal Sponsor have the full authority and capability to perform in accordance with the terms of this Agreement.”

2. Replace Article II.B. in its entirety with the following:

“B. Based on the ability to pay adjustment, the Non-Federal Sponsor shall contribute **[Insert 25 percent of the cost sharing percentage identified in the 2nd Whereas clause, e.g., if the cost sharing for the primary purpose is 35 percent, insert 8.75]** percent of design costs (hereinafter the “ability to pay cost share”) in accordance with the provisions of this paragraph.

1. The Non-Federal Sponsor shall be responsible for undertaking any investigations that the Government determines are required for Design of the Project to identify the existence and extent of any HTRW.

2. After considering the estimated amount of credit for in-kind contributions, if any, that will be afforded in accordance with paragraph C. of this Article, the Government shall provide the Non-Federal Sponsor with a written estimate of the amount of funds required from the Non-Federal Sponsor to meet its ability to pay cost share for the initial fiscal year of the Design. No later than 60 calendar days after such notification, the Non-Federal Sponsor shall provide the full amount of such funds to the Government in accordance with Article III.C.

3. No later than August 1st prior to each subsequent fiscal year of the Design, the Government shall provide the Non-Federal Sponsor with a written estimate of the amount of funds required from the Non-Federal Sponsor during that fiscal year to meet its ability to pay cost share. No later than September 1st prior to that fiscal year, the Non-Federal Sponsor shall provide the full amount of such required funds to the Government in accordance with Article III.C.”

3. Replace Article III.A. in its entirety with the following:

“A. As of the effective date of this Agreement, design costs are projected to be \$_____, with the Government’s share of such costs, which is increased by the amount of the Non-Federal Sponsor’s ability to pay adjustment, projected to be \$_____, and the Non-Federal Sponsor’s share of such costs, based on the ability to pay adjustment, projected to be \$_____, which includes creditable in-kind contributions projected to be \$_____, and the amount of funds required to meet its ability to pay cost share projected to be \$_____. Costs for betterments are projected to be \$_____. These amounts are estimates subject to adjustment by the Government, after consultation with the Non-Federal Sponsor, and are not to be construed as the total financial responsibilities of the Government and the Non-Federal Sponsor.”

Option 7: Design of a Locally Preferred Plan (LPP). If the LPP, in lieu of the national economic development (NED) plan, is approved by the Assistant Secretary of Army (Civil Works) and the costs for such design are in excess of that required for the NED Plan, make the following changes to the DA:

1. Replace the WHEREAS clauses in their entirety with the following:

“WHEREAS, Federal funds were provided in **[Insert appropriations cite]** to initiate design of **[Insert short description of the project]**;

WHEREAS, the locally preferred plan (LPP) for **[Insert Full Name of the Project]** (hereinafter the “Project”, as defined in Article I.A. of this Agreement) was approved by the Assistant Secretary of the Army (Civil Works) on **[MONTH DAY, YEAR]**;

WHEREAS, **[Insert Section 101, if commercial navigation, or Section 103, if other than commercial navigation]** of the Water Resources Development Act of 1986, as amended **[Insert (33 U.S.C. 2211), if commercial navigation, or (33 U.S.C. 2213), if other than commercial navigation]**, specifies the cost-sharing requirements applicable to construction of the Project, and Section 105(c) of the Water Resources Development Act of 1986 (33 U.S.C. 2215(c)), provides that the costs of design shall be shared in the same percentages as construction of the Project;

WHEREAS, based on the Project’s primary purpose of **[Insert, as appropriate, commercial navigation, flood risk management, coastal storm risk management, or ecosystem restoration]**, the parties agree that the Non-Federal Sponsor shall contribute **[Insert cost sharing percentage for primary project purpose, e.g., commercial navigation, use 10, 25, or 50, depending on the maximum depth of the project; coastal storm risk management, ecosystem restoration, or nonstructural flood risk management, use 35; and structural flood risk management, use 35 except if authorized prior to October 13, 1996, use 25 or if current estimate of project costs shows the non-Federal cost share will be 50 percent, use 50]** percent of the NED Plan design costs under this Agreement;

WHEREAS, the Non-Federal Sponsor is responsible for 100 percent of costs in excess of that required for design of the national economic development plan (hereinafter the “NED Plan”, as defined in Article I.B.); and

WHEREAS, the Government and Non-Federal Sponsor have the full authority and capability to perform in accordance with the terms of this Agreement.”

2. Replace Article I its entirety with the following:

“A. The term “Project” means the LPP, which includes **[DESCRIBE FEATURES OF THE PROJECT]**, as generally described in the **[FULL TITLE OF DECISION DOCUMENT]**, dated **[MONTH YEAR]** and approved by the **[TITLE OF APPROVING OFFICIAL, e.g., Chief of Engineers, Division Commander for Mississippi Valley Division, etc.]** on **[MONTH DAY, YEAR]** (hereinafter the “Decision Document”).

B. The term “NED Plan” means the national economic development plan, which includes **[DESCRIBE FEATURES OF THE NED PLAN]**, as generally described in the Decision Document.

C. The term “Design” means **[INSERT DESCRIPTION OF THE DESIGN WORK FOR THE PROJECT, i.e., PERFORM DETAILED PRE-CONSTRUCTION ENGINEERING AND DESIGN, UP THROUGH PREPARATION OF PLANS AND SPECIFICATIONS FOR THE INITIAL CONSTRUCTION CONTRACT ONLY]** for the Project.

D. The term “design costs” means the sum of all costs incurred by the Government and Non-Federal Sponsor in accordance with the terms of this Agreement that are directly related to Design of the Project. Subject to the provisions of this Agreement, the term shall include, but is not necessarily limited to: the Government’s costs for engineering and design, including real estate, economic, and environmental analyses, a safety assurance review, if required, and supervision and administration; the Non-Federal Sponsor’s creditable costs for in-kind contributions, if any; the Non-Federal Sponsor’s costs for any design work allocated by the Government to the LPP incremental design costs; and the Government’s costs of review and oversight of any design work undertaken by the Non-Federal Sponsor. The term does not include any costs for dispute resolution; participation by the Government and Non-Federal Sponsor in the Design Coordination Team to discuss significant issues and actions; audits; betterments; or the Non-Federal Sponsor’s cost of negotiating this Agreement.

E. The term “NED Plan design costs” means that portion of design costs, as determined by the Government, that would have been incurred by the Government and Non-Federal Sponsor had the NED Plan been designed.

F. The term “LPP incremental design costs” means that portion of design costs, as determined by the Government, that are in excess of the NED Plan design costs.

G. The term “HTRW” means hazardous, toxic, and radioactive wastes, which includes any material listed as a “hazardous substance” (42 U.S.C. 9601(14)) regulated under the Comprehensive Environmental Response, Compensation, and Liability Act (hereinafter “CERCLA”) (42 U.S.C. 9601-9675) and any other regulated material in accordance with applicable laws and regulations.

H. The term "in-kind contributions" means those creditable materials or services provided by the Non-Federal Sponsor for the NED Plan that are identified as being integral to Design of the Project by the Division Commander for the **[Insert Name of USACE Division, e.g., Mississippi Valley Division]** (hereinafter the “Division Commander”). To be integral to Design of the Project, the material or service must be part of the work that the Government would otherwise have undertaken for design of the NED Plan. In-kind contributions also include any investigations performed by the Non-Federal Sponsor for the NED Plan to identify the existence and extent of any HTRW as required for Design of the Project.

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I. The term “betterment” means a difference in the Design of the Project that results from the application of standards that the Government determines exceed those that the Government would otherwise apply to the Design of the Project.

J. The term “fiscal year” means one year beginning on October 1st and ending on September 30th of the following year.”

3. Replace Article II.B. in its entirety with the following:

“B. The Non-Federal Sponsor shall contribute **[Insert same cost sharing percentage as identified in the 4th Whereas clause]** percent of the NED Plan design costs in accordance with the provisions of this paragraph. In addition, the Non-Federal Sponsor is responsible for 100 percent of the LPP incremental design costs.

1. The Non-Federal Sponsor shall be responsible for undertaking any investigations that the Government determines are required for Design of the Project to identify the existence and extent of any HTRW.

2. After considering the estimated amount of credit for in-kind contributions, if any, that will be afforded in accordance with paragraph C. of this Article, the Government shall provide the Non-Federal Sponsor with a written estimate of the amount of funds required from the Non-Federal Sponsor for the initial fiscal year of the Design to meet its cost share for the NED Plan design costs. In addition, the Government shall determine the funds required from the Non-Federal Sponsor to cover the LPP incremental design costs that will be incurred by the Government. No later than 60 calendar days after such notification, the Non-Federal Sponsor shall provide the full amount of such funds to the Government in accordance with Article III.C.

3. No later than August 1st prior to each subsequent fiscal year of the Design, the Government shall provide the Non-Federal Sponsor with a written estimate of the amount of funds required from the Non-Federal Sponsor during that fiscal year to meet its cost share. No later than September 1st prior to that fiscal year, the Non-Federal Sponsor shall provide the full amount of such required funds to the Government in accordance with Article III.C.”

4. Replace the first sentence in Article II.C. with the following:

“The Government shall include in NED Plan design costs and credit towards the Non-Federal Sponsor’s share of such costs, the cost of in-kind contributions performed by the Non-Federal Sponsor that are determined by the Government to be integral to design of the NED Plan.”

5. Replace Articles III.A. and III.B. in their entirety with the following:

“A. As of the effective date of this Agreement, design costs are projected to be \$_____, with NED Plan design costs projected to be \$_____, and LPP incremental design costs projected to be \$_____. The Government’s share of the NED Plan design costs are projected to be \$_____, and the Non-Federal Sponsor’s share of such costs are projected to be \$_____, which includes creditable in-kind contributions projected to be

\$ _____, and the amount of funds required to meet its cost share projected to be \$ _____. The LPP incremental design costs are projected to be \$ _____, which includes the amount of funds to cover the LPP incremental design costs that will be incurred by the Government projected to be \$ _____. **[NOTE: Even if the Non-Federal Sponsor plans to perform all the design work related to the LPP incremental design costs, the Government still has review and oversight responsibilities related to such work so, the amount of funds to be provided to the Government cannot be \$0]** Costs for betterments are projected to be \$ _____. These amounts are estimates subject to adjustment by the Government, after consultation with the Non-Federal Sponsor, and are not to be construed as the total financial responsibilities of the Government and the Non-Federal Sponsor.

B. The Government shall provide the Non-Federal Sponsor with monthly reports setting forth the estimated design costs, NED Plan design costs, LPP incremental design costs, and the Government's and Non-Federal Sponsor's estimated shares of such costs; costs incurred by the Government, using both Federal and Non-Federal Sponsor funds, to date; the amount of funds provided by the Non-Federal Sponsor to date; the estimated amount of any creditable in-kind contributions; and the estimated remaining cost of the Design."

**LOCAL DESIGN AGREEMENT
BETWEEN
CENTRAL VALLEY FLOOD PROTECTION BOARD
AND
THE CITY OF WOODLAND
FOR DESIGN OF THE
SACRAMENTO RIVER BASIN, CITY OF WOODLAND FLOOD RISK REDUCTION
PROJECT**

This Agreement is made and entered into this ____ day of _____, 2022 by and between The State of California, acting through the Central Valley Flood Protection Board (hereinafter referred to as the “Board”), represented by the President, and the City of Woodland, (hereinafter referred to as “COW”), established pursuant to the laws of the State of California, represented by the City Manager, and:

RECITALS:

WHEREAS, The Department of the Army, represented by the U.S. Army Corps of Engineers (hereinafter the Government) received Federal Funds for Fiscal Year 2022 for the Government to initiate design of the Lower Cache Creek, California Project (hereinafter Project); and

WHEREAS, COW and the Board, concurrent with this AGREEMENT are entering into a Design Agreement, titled “Design Agreement Between the Department of the Army, the State of California Central Valley Flood Protection Board, and the City of Woodland for the Design of the Lower Cache Creek, California Project”for the provision of design for the Project, as defined in Article I.A. of that agreement; and

WHEREAS, construction or implementation of the Project is anticipated to be authorized by Congress in the Water Resources Development Act of 2022; and

WHEREAS, the California Water Code in Section 8615 authorizes the Board to participate in planning projects for flood control on the Sacramento River and its tributaries; and

WHEREAS, the Board and COW are authorized and empowered under their organizing acts and other state laws to participate in, fund, and carry out flood control activities; and

WHEREAS, the Board and COW intend to serve as the non-federal sponsors of the Project; and

WHEREAS, the non-federal sponsor’s obligations are set forth in the Design Agreement, to be executed for this project between the Board, COW and the Government, and

a draft of the Design Agreement is attached hereto as Exhibit A and incorporated by this reference; and

WHEREAS, the Board and COW desire to specify their respective contributions and other obligations during the term of the Project.

NOW, THEREFORE, The Board and COW agree as follows:

SECTION I. DEFINITIONS

A. The term “*Project*”, “*Design*”, “*total design costs*”, “*in-kind contributions*”, “*betterment*”, and “*fiscal year*” shall have the same meanings as defined in Article I of the Design Agreement.

B. The terms “non-federal Sponsor” and “non-federal interest” shall mean The Board and COW.

SECTION II. OBLIGATIONS OF THE BOARD AND COW

A. The Board and COW each shall afford the other entity the opportunity to review and comment on the solicitations for all contracts, including relevant scopes of work, prior to the Government’s issuance of such solicitations provided the Government gives the Board or COW the opportunity to review and comment on such solicitations. Either entity shall also afford the other entity the opportunity to review and comment on all design products, and proposed contract modifications, including change orders, provided the Government gives either entity the opportunity to review and comment on such design products and proposed contract modifications. Either entity shall consider in good faith the comments of the other entity and forward them to the Government, but the contents of solicitations, award of contracts or commencement of design using the Government’s own forces, execution of contract modifications, resolution of contract claims, and performance of all work on the Project shall be exclusively within the control of the Government.

B. The Board and COW shall provide, during the period of design a contribution equal to 35 percent of total design costs. If the Government projects at any time that the collective value of the Non-Federal Sponsors’ contributions under Article II and Article III of the Design Agreement will be less than 35 percent of total design costs, the Board and COW shall provide a cash contribution, in accordance with Article III.C. of the Design Agreement, in the amount necessary to meet the non-federal participants’ 35 percent share of total design costs. COW shall provide 30 percent of the non-federal share of total design costs, and the Board shall provide 70 percent of the non-federal share of total design costs unless otherwise directed by the State Legislature.

C. The Board and COW shall not use federal program funds to meet any of the Board’s or COW’s obligations for the Project under this Agreement unless the Federal agency

providing the funds verifies in writing that such funds are authorized to be used to carry out the Project.

D. The Board or COW may request the Government to perform or provide, on behalf of the Non-Federal Sponsor, the design of betterments into the Project. Such requests shall be in writing and shall describe the betterments to be performed or provided. Upon receipt of such writing, the Board or COW may request the Government to design betterments in accordance with Article II.J. of the Design Agreement. The cost for the design of betterments, unless otherwise specified by the Board or COW, shall be paid in accordance with the cost share identified above in Paragraph B. The Board and COW shall provide the full amount of funds required to pay for the design of betterments in accordance with Section IV of this agreement and Article III.C of the Design Agreement.

E. This Agreement shall not be construed as obligating any party to seek funds for, or to participate in, construction or implementation of the Project or a separable element thereof or as relieving the Board or COW of any future obligation under the terms of any agreement executed in connection with the Project in the future.

SECTION III. DESIGN COORDINATION TEAM

To provide for consistent and effective communication, the Board and COW, not later than 30 calendar days after the effective date of this Agreement, shall appoint named senior representatives to a Design Coordination Team. Thereafter, the Design Coordination Team shall meet regularly until the end of the period of design. The Government's Project Manager and counterparts named by the Board and COW shall co-chair the Design Coordination Team. The additional provisions of Article II.I. of the Design Agreement regarding the Design Coordination Team shall apply here also.

SECTION IV. METHOD OF PAYMENT

A. The Board and COW agree to pay their respective share of the total design costs in accordance with Article III of the Design Agreement. On the effective date of this Agreement, COW'S share of the total design costs are projected to be \$798,000, and the Board's required contribution of the total design costs are projected to be \$1,862,000. If these projected amounts are to be increased, such increases shall be subject to the written consent of the Board and COW.

B. As the design proceeds, The Board and COW, unless otherwise directed by the State Legislature, will attempt to maintain, subject to a final accounting, the 70 percent / 30 percent cost-sharing ratio of expenditures that is required by Section II.B of this Agreement, in the following manner:

(1) **Cash Payments to the Government:** The Board or COW will forward to the Government the cash payments for the non-federal proportionate share of total design costs as required by Article III of the Design Agreement. Such payments shall be made by the Board or COW as provided in Section IV of this Agreement.

(2) **Design Costs incurred by the Board or COW:** The Board or COW will provide to the other non-federal sponsor a summary of actual costs it has incurred for design of the Project on a quarterly basis each July, October, January, and April, until the end of the period of design. The other non-federal sponsor will submit itemized invoices bearing the appropriate contract number, no more frequently than monthly in arrears, for its expenditures for design, as determined to be eligible for credit in accordance with the provisions of Article II.C. of the Design Agreement to the addresses provided in Section XIII of this Agreement.

(3) **Request for Payment:** Either the Board or COW may make a written request for payment to maintain the 70 percent / 30 percent cost-sharing ratio for costs incurred as described in Paragraph B of this Section.

C. If the Government, The Board or COW fail to make timely payments as required in the Design Agreement and this Agreement, the Agreements will be subject to termination or suspension under the provisions of Article IV of the Design Agreement.

SECTION V. DISPUTES

As a condition precedent to a party bringing any suit for breach of this Agreement, that party must first notify the other party in writing of the nature of the purported breach and seek in good faith to resolve the dispute through negotiation. If the parties cannot resolve the dispute through negotiation, they may agree to a mutually acceptable method of non-binding alternative dispute resolution with a qualified third party acceptable to both parties. Each party shall pay an equal share of any costs for the services provided by such a third party as such costs are incurred. These costs for services of a third party shall not be included as part of total design costs defined in Article I of the Design Agreement. The existence of a dispute shall not excuse the parties from performance pursuant to this Agreement.

SECTION VI. INDEMNIFICATION

COW shall hold and save the Government and the Board free from all damages arising from design of the Project and design of any additional work pursuant to Section II.D of this Agreement, except for claims and damages due to the fault or negligence of the Government, the Board, or their contractors.

SECTION VII. MAINTENANCE OF RECORDS; AUDIT

Within 60 days of the date of this Agreement, the Board and COW shall develop procedures for keeping books, records, documents and other evidence pertaining to costs and expenses incurred pursuant to this Agreement to the extent and in such detail as will properly reflect total Project costs. The Board and COW shall maintain such books, records, documents, and other evidence in accordance with these procedures and for a minimum of three years after completion of Project construction, whichever is later, and resolution of all relevant claims arising therefrom, and shall make available at their offices at reasonable times, such books, records, documents, and other evidence for inspection and audit by authorized representatives of the parties to this Agreement, and by Government in accordance with Article VII of the Design Agreement.

SECTION VIII. FINAL ACCOUNTING

The Board and COW, upon completion or termination of the Project, shall each prepare an accounting of all costs incurred and credits claimed hereunder. This accounting shall be tabulated by the Board and used in reaching a final accounting with the Government and with COW for creditable design costs as set forth in Article III.B. of the Design Agreement.

SECTION IX. COMPLIANCE WITH STATE AND FEDERAL LAW

In carrying out the provisions of this Agreement, the Board and COW agree to comply with all applicable federal and State laws and regulations, including: Section 601 of the Civil Rights Act of 1964, Public Law 88-352 (42 U.S.C. 2000d), and Department of Defense Directive 5500.11, issued pursuant thereto and published in Part 300 of Title 32, Code of Federal Regulations; and Army Regulations 600-7, entitled "Non-Discrimination on the Basis of Handicap in Programs and Activities Assisted or Conducted by the Department of the Army."

SECTION X. TERM OF AGREEMENT; AMENDMENT

The term of this Agreement shall be coextensive with that of the Design Agreement, but the Agreement shall not become effective until approved by the California Department of General Services. This Agreement may be amended only upon consent of all parties and the approval of the Department of General Services. If the final Design Agreement executed between the Government, the Board, and COW differs from the draft Design Agreement that is attached as Exhibit A hereto, The Board and COW agree to renegotiate those provisions of this Agreement that are affected by any changes in the final Design Agreement. If this project is authorized by the State legislature, the parties acknowledge that the provision of that authorization will be applicable to this Agreement and agree to make any necessary amendments to incorporate those provisions.

SECTION XI. OBLIGATION OF FUTURE APPROPRIATIONS

The parties agree that nothing herein shall constitute, or be deemed to constitute, an obligation of future appropriations by COW or the Legislature of the State.

SECTION XII. CONFIDENTIALITY

To the extent permitted by the laws governing each party, the parties agree to maintain the confidentiality of exchanged information when requested to do so by the providing party.

SECTION XIII. NOTICES

All notices, requests, demands, and other communications required or permitted to be given under this Agreement shall be deemed to have been duly given if in writing and delivered personally or mailed by first-class (postage pre-paid), registered, or certified mail, as follows:

If to the Board:

Executive Officer
Central Valley Flood Protection Board
3310 El Camino Avenue, Suite 170
Sacramento, CA 95821

If to COW:

City of Woodland
City Manager
300 First Street
Woodland, CA 95695

Any party may change the address to which such communications are to be directed by giving written notice to the other party in the manner provided in this section.

Any notice, request, demand, or other communication made pursuant to this section shall be deemed to have been received by the addressee at such time as it is personally delivered or seven calendar days after it is mailed, as the case may be.

SECTION XIV. SEVERABILITY CLAUSE

If any provision of this Agreement that is held invalid or unenforceable by any court of final jurisdiction it is the intent of the parties that all other provisions of this Agreement can be construed to remain hilly valid, enforceable and binding on the parties.

SECTION XV. STANDARD CLAUSES

The special terms and conditions attached hereto as Exhibit A are incorporated by this reference. The general terms and conditions attached hereto as Exhibit B are incorporated by this reference.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first written above.

THE CENTRAL VALLEY FLOOD
PROTECTION BOARD OF THE
STATE OF CALIFORNIA

Approved for legal form and sufficiency

By:

Jane Dolan
President
Central Valley Flood Protection
Board

Kanwarjit Dua
Board Counsel
Central Valley Flood Protection Board

Date: _____

Date: _____

CITY OF WOODLAND, CALIFORNIA

By:

Ken Hiatt
City Manager
City of Woodland

Approved for legal form and sufficiency

Ethan Walsh
City Attorney
City of Woodland

Date: _____

Date: _____

LARSEN WURZEL
& Associates, Inc.

DEREK LARSEN, Principal
SETH WURZEL, Principal
2450 Venture Oaks Drive,
Suite 240
Sacramento, CA 95833

City of Woodland

Levee and Drainage Assessment Engineering and Formation Services

PROPOSAL & QUALIFICATIONS

Prepared for: The City of Woodland
November 24, 2021



LARSEN WURZEL
& Associates, Inc.

DEREK LARSEN, Principal • SETH WURZEL, Principal • SCOTT BROWN, Principal • ERIC NAGY, Principal

November 24, 2021

Mr. Ken Hiatt
City of Woodland
300 First Street
Woodland, CA 95695

RE: Proposal for Levee and Drainage Operations and Maintenance Assessment Engineering and Formation Services

Dear Mr. Ken Hiatt:

Larsen Wurzel & Associates, Inc. (LWA) appreciates the opportunity to submit this proposal to provide additional consulting services to City of Woodland (the City) in support of a combined Capital Improvement, Operations and Maintenance Assessment balloting proceeding. LWA was originally engaged by the City to support this effort in 2015 and continues to be committed to assisting in the formation of a new benefit assessment district that meets the needs of the City. The attached materials describe a detailed approach and outline the scope of services based on LWA's understanding of the project. The scope of services has been developed in coordination with MBK Engineers and with Kim Floyd Communications to provide an efficient and integrated approach.

If this proposal meets your approval, you may sign below and return a copy of this letter to us to provide notice to proceed with the work. We can then work with you to amend our existing agreement. If you would like to discuss this proposal or require any changes, please do not hesitate to call me at (530) 665-8227.

Sincerely,

APPROVED

Derek Larsen, P.E., CFM
Principal
Larsen Wurzel & Associates, Inc.

Ken Hiatt
City Manager, City of Woodland

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- A. LWA Billing Rate Sheet

Introduction

Larsen Wurzel & Associates, Inc., (LWA) is pleased to present The City of Woodland (the City) with this proposal including a scope of services and fee estimate. LWA proposes to provide continued financial support services for the flood risk reduction program, and if necessary, benefit assessment district engineering services for the formation of a new assessment district to fund capital improvements, operations, and maintenance of the City's levee system. LWA has provided the scope of services needed to fulfill the role of the assessment engineer for the City in order to enroll the proposed new and/or increased assessments on the Yolo County 2023-24 tax roll.

This proposal includes the following information:

- Summary of LWA's understanding of the City's needs;
- Description of LWA's approach to the work, including integration with the Public Outreach consultant; and,
- Detailed scope of services and fee for the proposed work.

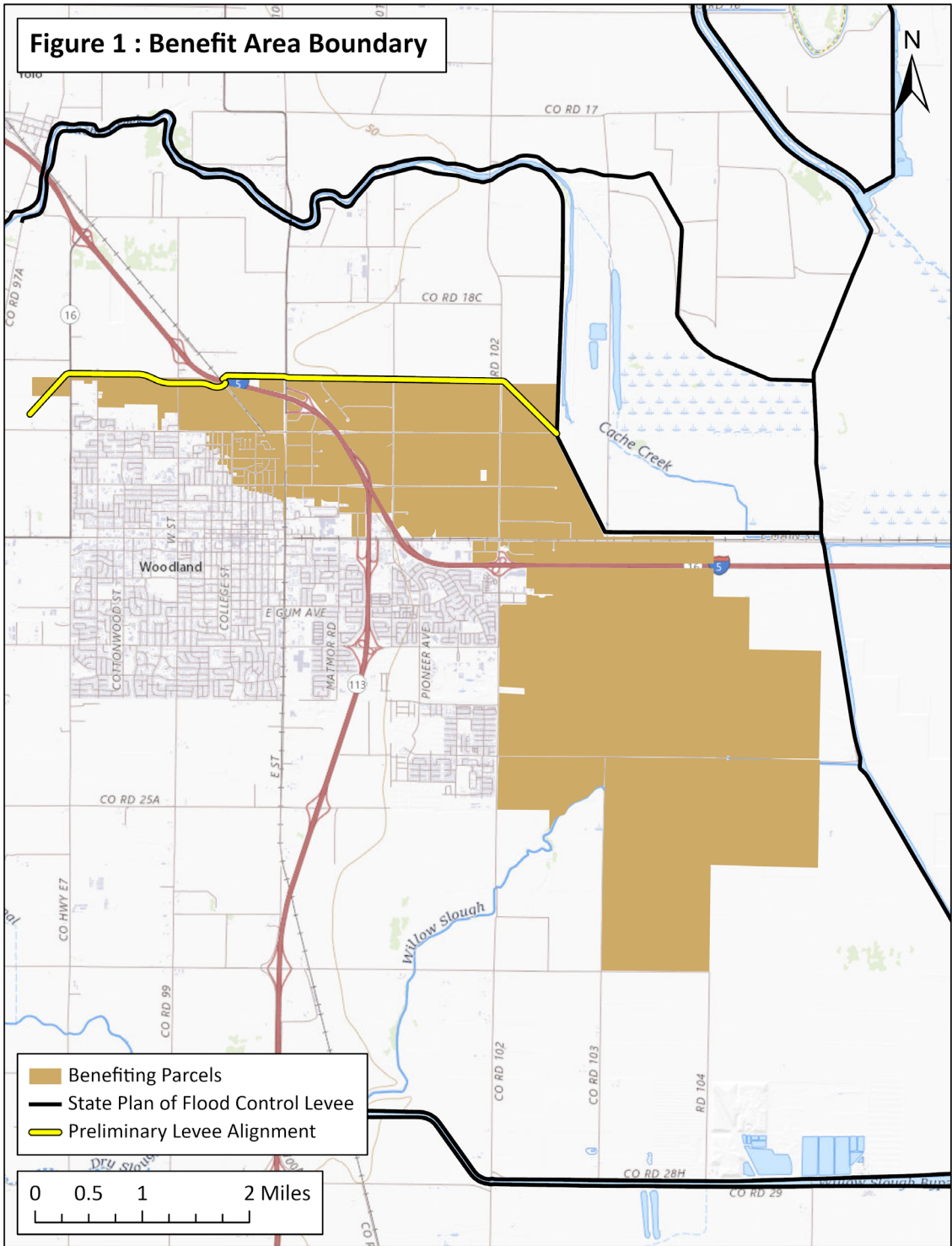
LWA is qualified and able to provide the City with the services needed to effectively develop, structure and implement a plan to meet the needs and goals of the City.

This proposal outlines the approach that LWA would follow to support the development and implementation of a new special benefit assessment.

Project Understanding

The City and the State of California are the Non-Federal Sponsors (NFS) for the federally authorized Lower Cache Creek Project and the City will become the local maintaining agency (LMA) responsible for providing flood protection and drainage services to new federal levee features planned for construction by the USACE (see **Figure 1**).

Figure 1 - The Benefit Area Boundary and Planned New Levees



Proposed the City Boundary Change

The City is considering annexing properties adjacent to its current boundary to include properties that benefit from the flood protection provided by the planned levees. It is LWA's understanding that the proposed annexation would be accomplished prior to the proposed benefit assessment formation. Based on conversations with the City, LWA does not anticipate having a significant role in supporting this effort as the specific tasks associated with the proposed annexation are currently undefined. However, the proposed annexation will require close coordination between the agencies and stakeholders and will likely include identifying the affected landowners, determining each landowner's voting power and conducting a ballot proceeding. Support with inter-agency and stakeholder coordination effort has been included under **Task 6** of this proposal. Once the approach is established and the annexation process is better defined, should an additional role for LWA be identified, a separate scope of work and fee estimate would be prepared to support that effort.

Continued Financial Planning & State Funding Agreement Support

The City is working to determine the feasibility of local funding sources to provide the local cost share of the federally authorized project. LWA will continue to support the City in administering the UFRR funding agreement with the State and to determine the most viable local funding source(s) to support implementation of the federal project. LWA has included scope and fee estimate for the formation of a land-based assessment district in this proposal. Work on a land-based assessment would be advanced if the City determines that a land-based assessment will be needed to provide all, or a portion, of the local funding for the federal project to meet the necessary capital requirements and perform long term operations, maintenance, repair, replacement and rehabilitation.

Proposed Assessment

The City proposes to raise revenues to support their capital contributions and O&M requirements. LWA's initial assumption is that any new assessment imposed by the City would be subject to the provisions of Section 4, of Article XIID of the State Constitution (Proposition 218) wherein the assessment can only be charged in proportion to the special benefit of the service received by the property. Under this standard, the City would be required to prepare a detailed engineer's report that demonstrates the special benefits conferred to each parcel and shows how the proposed assessment (either new or increased) does not exceed the proportional special benefit received by each parcel.

This draft proposal was developed to provide all of the services required under the provisions of Proposition 218 to raise new revenue through a special benefit assessment.

Project Approach

The following outlines the approach that LWA would take to complete the scope of work requested:

Task 1 – Financial Management Support

LWA continues to work with the City and MBK to determine the most economically efficient, politically acceptable, and financially feasible methods for funding the delivery of recommended flood risk reduction improvements. This includes the evaluation of financial alternatives taking into consideration various non-local and local funding mechanisms including grant opportunities from the California Department of Water Resources (DWR), additional State funding programs, federal funding, local property assessments, development fees and exactions, advanced funding and fee credit programs, and other possible funding

alternatives. LWA will continue to evaluate the Project's objectives and work to identify potential grant funding programs and present options to the City to achieve their flood risk reduction objectives.

LWA will assist with development of a capacity analysis and financial plan that outlines approaches to funding and financing the Project. The plan will outline the preferred approach for non-local funding, a proposed funding mechanism for local funding including an analysis of financial impacts and economic benefit to the City and local beneficiaries as well as a proposed approach for financing the improvements.

Task 1 – Deliverables

In connection with the above scope of work, LWA will attend meetings and conference calls on an as needed basis. LWA will prepare memoranda and technical analysis as directed and required in order to document, evaluate, and support the proposed alternatives.

Task 2 – Preparation of an UFRR Concept Proposal (COMPLETE)

LWA prepared an UFRR Concept Proposal for the City and no additional work is proposed under this task.

Task 3 – Evaluation of New Assessment District for Flood Control Improvements and Services (COMPLETE)

LWA completed a preliminary cost allocation analysis that presented a range of expected annual assessment rates for the benefiting properties. No additional work is proposed under this task.

Task 4 – UFRR Funding Agreement Administrative Support

LWA prepared the original Overall Work Plan and a Credit Request to DWR. LWA responded to comments from DWR and revised the credit request. LWA prepared a draft Phase 2 Feasibility Study Overall Workplan and submitted it to DWR for review. The City directed MBK to modify the scope of work to provide additional services to the USACE to complete the Lower Cache Creek Feasibility Study. LWA continues to work with MBK Engineers, City Staff and DWR to support administration of the UFRR funding agreement.

Reporting –LWA will continue to work with the City and the consultant team to develop a reporting format that meets the State requirements.

Project Completion Report – The State UFRR agreement funds must be expended by December 2022 and liquidated by June 2023. LWA will lead development of the Project Completion Report required by the funding agreement to close out the project and secure the State's 10% retention.

Task 5 – Conceptual Finance Plan

LWA is proposing to develop a conceptual financial plan for the City. The plan will focus on identifying the amount of local funding needed to construct the Locally Preferred Flood Risk Reduction Project. LWA will use the cost information provided by other consultants to identify the amount of State and local funding needed to advance the flood risk reduction project under different State and local cost share funding scenarios. This evaluation will help inform the City Management to make decisions regarding how to secure local matching funds for the federal project. LWA will evaluate and screen possible local funding mechanisms to fund the federal project.

Task 6 - Annexation Coordination

Attend meetings and coordinate on behalf of and with the City and other identified stakeholders including Yolo County and Yolo LAFCO staff to support the proposed annexation process. This effort will ensure that issues such as; A) overlap between the services and assessments levied by the City and County; B) future

projects planned by the City as part of its levee improvement program; and C) the City's ability to make findings supporting ULOP requirements as it relates to completion of the City's flood protection program; are addressed and considered with respect to the annexation and the City's proposed assessment.

Task 7 - Project Management for Assessment Formation

Coordinate with the City to develop a timeline for required deliverables. Work with the City staff, public outreach consultant and legal counsel to ensure Proposition 218 compliance. Report to the City Council as necessary to obtain approval of a proposed assessment and to advance a Proposition 218 compliant ballot proceeding.

Task 8 - Data Gathering and Research

Assist with the preparation of budgets, cost estimates and term for the proposed assessment. Develop a detailed cash flow analysis to determine the most efficient and cost-effective approach to fund and finance forecasted improvements and/or on-going operational costs. Collect readily available parcel and property information to justify the allocation of costs in proportion to the benefits received. The results of this analysis will inform **Task 9**.

Task 9 - Benefit Apportionment and Preparation of Engineer's Report

Prepare a benefit assessment and apportionment analysis that derives the range of expected assessment rates for the benefiting properties based upon the conclusions of **Task 8** and an analysis of properties specially benefiting from the proposed improvements and services. As part of this, LWA will work with the City to determine the factors that derive and would become the basis for the apportionment of special benefits. This analysis will lead into the preparation of a Draft Engineer's Report to support **Task 10**.

Task 10 - Public Outreach and Implementation

Provide services to form a new benefit assessment district including the following:

- Prepare a Preliminary Engineer's Report and Proposed Boundary Map for purposes of adopting a resolution of intention to begin the legislative process of adjusting or imposing a new assessment.
- Assist with stakeholder outreach as requested.
- Administer an efficient and accurate legislative, hearing, balloting and formation process.
- Assist with the first year's levy of the new or adjusted assessment.

Scope of Services (New Optional Tasks)

LWA proposes the following scope of services to implement the above Project Approach.

Task 6 – Annexation Coordination

LWA will attend meetings and provide written correspondence as it relates to the proposed annexation of additional properties into the City boundary for purpose of ensuring coordination between local agency stakeholders.

- Up to 10 meetings related to the proposed annexation. Meetings are expected to occur with the City, Yolo County Public Works and Yolo LAFCO on this topic.

Task 7 – Project Management / Meetings for Assessment Formation

LWA will coordinate with the City staff, legal counsel, City Engineer and Public Outreach consultant throughout the project to target completion of the Proposition 218 process by August 2023 in order to enroll the assessments on the Yolo County tax roll for the 2023-24 fiscal year. The anticipated work for this task includes:

- Initial meeting to identify the required deliverables and timeline and gather relevant information
- Up to 10 meetings related to development and review of the benefit apportionment and Preliminary Engineer's Report
- One (1) public workshop in support of the public outreach campaign
- Up to two (2) specialized stakeholder outreach meetings
- Up to 4 presentations to the City Council including:
 - City briefing(s) on the assessment district;
 - City adoption of Resolution of Intention;

Task 7 Deliverables:

- Meeting agenda, minutes and/or action items as required
- Input on staff reports for the City packages
- Copies of City presentation materials

Task 8 – Data Gathering and Research

LWA will prepare a database of benefiting properties to develop the assessment. This database will be used for maintaining the assessment in years following its adoption. LWA will work with the City and its Engineer to develop an approach that apportions the special benefit from the proposed services proportionately to each parcel within the benefit area as required by Proposition 218.

LWA will work with the City staff and its Engineer to identify the following items:

- Attributes of the benefitting property upon which to apportion benefit. For the area proposed for annexation, this information is assumed to be developed under Phase 1.
- The capital costs of any proposed Projects to be funded by the special benefit assessment and a rough timing for implementation;
- The budget for any needed amount of assessment increases to fund O&M of any proposed improvements; and,
- The development of financing assumptions, as necessary to finance improvements and cash flow these improvements over time.

It should be noted that the cash flow analysis is a key component of the Proposition 218 process and will be utilized in the Engineer's Report.

Task 8 Deliverables:

- Map / Exhibit delineating the boundary of the benefitting parcels within the proposed assessment district.
- Comprehensive list of benefitting parcels and their characteristics necessary to apportion the benefits.
- A detailed cash flow analysis and set of financing assumptions that will be documented in the Financing Plan within the Engineer's Report.

Task 9 – Benefit Allocation and Preparation of the Preliminary Engineer's Report

LWA will work with the City and its Engineer to develop a proportionate benefit spread methodology that may consider some or all of the following factors:

- Benefit Zone;
- Land Use Type;
- Structure Type;
- Structure and Parcel Size;
- Relative Structure Value;
- Flood Depth (from pump station failure);
- Relative Flood Protection from Interior Drainage;
- Relative Structure and Content Flood Damage; and
- Drainage/Runoff Coefficients

To the extent that flood depth becomes a factor upon which benefit is apportioned, LWA assumes that the floodplain mapping and associated depth of flooding will be provided by Wood Rodgers.

It is important to note that based upon recent judicial decisions regarding special benefit assessment districts formed throughout the State, the standard of review that a court has had over Engineer's Reports has been elevated. In general, the Engineer's determinations of general and special benefit and the proportionality of special benefit between parcels have been highly scrutinized. The apportionment methodology is more defensible and able to withstand scrutiny to the extent that readily available information regarding the assessed parcels can be utilized to justify the apportionment.

Task 9 Deliverables:

- An analysis of proposed new rates as appropriate through discussions and input from the City.
- Administrative Draft, Public Review Draft & Preliminary Engineer's Report with the Professional Engineering Certification as required by Proposition 218.

Task 10 – Public Outreach and Implementation

LWA will provide project coordination and management support for the implementation of the proposed assessment. This will include providing oversight and management of tasks related to the formation, notice and balloting requirements of Proposition 218, as well as the requirements of the specific legislation to be used to adjust the existing assessment or form a new assessment district.

LWA will work with the City's legal counsel to evaluate the pros and cons related to the adjustment of the existing assessment or the formation of a new district. LWA recommends that the City ensure that there is sufficient budget to address needed legal support that independently represents the interests of the City as part of this process.

Should the financing plan include a subsequent debt issuance, LWA highly recommends the City also engage the services of a qualified bond counsel to help prepare and/or review the legislative documents needed for the formation of the assessment district so that the resolutions appropriately support a debt financing. Bond counsel review of the assessment formation documents helps ensure that any future financing is efficient and cost effective. LWA has extensive experience working directly with many different bond attorneys and can work with the City to identify and select counsel if needed.

LWA is familiar with all types of assessment districts and has specific experience implementing assessments that fund flood control improvements and O&M requirements. In any case, the actions taken by the adoption of certain resolutions related to the imposition of a new assessment will generally include at minimum these steps:

- Declaration of the City's intention to form a new district or increase an existing assessment;
- The preparation of an Engineer's Report;
- Setting of a public hearing;
- Approval of a Preliminary Engineer's Report;
- Mailing of protest ballots and notice of the public hearing;
- Conducting public outreach and property owner inquiries;
- Issuance of revised protest ballots based on landowner inquiries;
- Conducting the public hearing;
- Tabulating and certifying the protest ballot proceeding;
- Approval of a Final Engineer's Report; and
- The adoption of a resolution forming a new district and adopting the proposed assessment.

As provided in **Task 7**, LWA will attend the relevant City meetings and prepare the needed communication for the City to be informed on taking the necessary actions to implement a new assessment.

Concurrent with the work outlined above, LWA will assist the City and its Public Outreach consultant with property owner outreach efforts as required to maintain consistency between the public outreach messaging and the Engineer's Report. Direct mailing costs are significant and have been included in our cost proposal.

In addition, LWA will utilize the parcel database developed for benefit/assessment apportionment for the purposes of distributing outreach materials, notices and official ballots, assisting the City and staff with the public hearing, and assisting with the Ballot Tabulation.

Should the proposed assessment be approved by property owners and the City, LWA will work with Yolo County to prepare and submit the special benefit assessment roll for inclusion on the Fiscal Year 2023-24 property tax bills for collection on the secured tax rolls. LWA will also work with the City to process any direct billing to properties exempt from the secured tax rolls should this be required.

Task 10 Deliverables:

- Databases for mailing Outreach Materials, Public Notices and Assessment Ballots.
- Required resolutions for the Proposition 218 proceeding.
- Coordination of Ballot Tabulation in Public Setting including the preparation of a Ballot Tabulation Database. LWA proposes to tabulate the ballots on behalf of the City.

Assuming the proposed assessment is approved by property owners, LWA will provide:

- Final Engineer's Report
- Resolution adopting assessment and setting the first year's assessment rate
- Preparation of the assessment roll for submission to Yolo County
- Preparation and mailing of direct bills
- Assistance with the first year of assessment collection.
- Development of procedures for City staff to administer the assessment in following years.

Assessment Defense

In the event of a legal challenge to the assessment, any claims by one or more property owners that they do not receive the special benefits indicated in the Engineer's Report, or other allegations challenging the validity of the Engineer's Report and its methodology in determining the assessments, LWA will support the City with additional reviews to validate the assessment or correct the assessment according to the findings in our review.

The level of effort required will vary depending on the individual claims of each challenge to the assessment and will be billed on a time and expense basis. Based on our experience, the typical challenge from a property owner will require up to 8 hours to review the claims made by the property owner and prepare a briefing to the City regarding the validity of the claim. Legal challenges filed through the court system will require a higher level of effort that would be outside the control of the City and LWA. These challenges would require a separate scope of work and associated fee proposal be developed to support the City.

Cost Proposal

LWA's cost proposal for the services proposed for the contract term is presented below. The firm's rate sheet is included as **Attachment A**. LWA charges for its services on a direct cost of time and materials basis up to a mutually agreed upon budget amount. The level of effort required is based upon LWA's best estimate of the described scope of services. LWA will work efficiently to manage the costs for this effort. LWA will communicate frequently with the City, and will provide, on at least a monthly basis, an update of the cumulative expenditures against the approved budgeted amount to provide as much advanced notice as possible if it is determined that the cost of the services could exceed the approved budget.

Task/Description	Total Hours	Total Items
Task 1: Financial Management Support		
General Coordination, Meetings and Product Development	144	\$27,600
Subtotal Task 1		\$27,600
Task 4: UFRF Funding Agreement Administrative Support		
General Coordination & Meetings	258	\$42,600
Subtotal Task 4		\$42,600
Task 5: Conceptual Finance Plan		
General Coordination and Product Development	124	\$22,600
Subtotal Task 5		\$22,600
Task 6: Annex Coordination		
General Coordination & Meetings (10)	78	\$16,800
Subtotal Task 6		\$16,800
Task 7: Project Management / Meetings		
General Coordination & Meetings (10)	96	\$19,700
Public Outreach Workshop (1)	40	\$7,800
Specialized Stakeholder Outreach (2) (Prep + Meeting)	14	\$3,200
City Council Meetings (4) (Prep + Meeting)	44	\$9,900
Subtotal Task 7		\$40,600
Task 8: Data Gathering & Research		
Data Gathering	168	\$31,600
Cash Flow Modeling & Table Prep.	168	\$31,600
Subtotal Task 8		\$63,200

Task 9: Benefit Allocation & ER Prep

Preparation of Boundary Map (coordination)	26	\$5,000
Excel Modeling & Table Prep.	184	\$34,100
Engineer's Report Prep / Review	184	\$35,000

Subtotal Task 9 **\$74,100**

Task 10: Public Outreach / Implementation

Research / Build Mail Database	10	\$1,800
Legislative Process Coordination / Agency Counsel (Reso's Etc.)	10	\$2,500
Balloting & Notice (Design, Prod & Distro)	46	\$8,600
Public Hearing Attendance & Documents (1 Meeting)	24	\$5,000
Balloting (Tabulation & Certification)	44	\$9,300
Coordination with County / FY 2022-23 Admin	24	\$4,800
Prepare Assessment Administration Procedures	32	\$6,000

Subtotal Task 10 **\$38,000**

Estimated Direct Expenses (Assumes 1,200 Parcels) **\$9,600**

TOTAL BUDGET ESTIMATE **\$335,100**

Attachment A

Larsen Wurzel & Associates, Inc. Hourly Rate Schedule

Staff Billing Rates	2022*
Principal	\$245
Senior Consultant	\$256-\$301
Supervising Project Manager	\$245
Senior Project Manager	\$233
Associate Project Manager	\$223
Project Manager	\$212
Supervising Associate	\$232
Senior Associate II	\$221
Senior Associate I	\$211
Associate III	\$200
Associate II	\$189
Associate I	\$178
Senior Analyst	\$167
Analyst II	\$150
Analyst I	\$134
Supervising Engineer	\$240
Senior Engineer II	\$232
Senior Engineer I	\$225
Project Engineer	\$217
Associate Engineer	\$195
Assistant Engineer II	\$184
Assistant Engineer I	\$172
CAD Tech/GIS Specialist	\$150
Junior Engineer	\$140
Senior Project Coordinator	\$150
Project Coordinator	\$134
Project Assistant	\$128
Technical Editor	\$111
Clerical Staff	\$101
Intern	\$78

***Rates increase on January 1st of each year.**

Automobile mileage is billed at the IRS federal reimbursement rate.

Professional services provided by others billed through LWA are billed at cost plus a service charge of 5%.

MARC VAN CAMP, P.E.
WALTER BOUREZ, III, P.E.
RIC REINHARDT, P.E.
DON TRIEU, P.E.
DARREN CORDOVA, P.E.
NATHAN HERSHEY, P.E., P.L.S.
LEE G. BERGFELD, P.E.
BEN TUSTISON, P.E.
THOMAS ENGLER, P.E., CFM
MICHAEL MONCRIEF, P.E.
NICOLE ORTEGA-JEWELL, PMP

ANGUS NORMAN MURRAY
1913-1985
JOSEPH I. BURNS
1926-2021

CONSULTANTS:
DONALD E. KIENLEN, P.E.

July 7, 2022

Sent Via Electronic Transmittal

Tim Busch
City of Woodland
300 First Street
Woodland, CA 95695-3413

**Subject: Scope of Work – H&H Support USACE Lower Cache Creek Flood
Risk Reduction Project**

Dear Mr. Busch:

Thank you for the opportunity to support the City of Woodland on the U.S. Army Corps of Engineers (USACE) Lower Cache Creek Flood Risk Reduction Project. MBK Engineers (MBK) proposes to support the team on hydrology and hydraulics. The following is a proposed initial task to begin initial hydraulic model development:

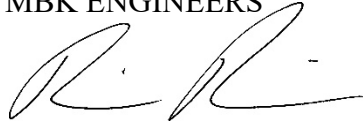
Task 1: Initial Hydraulic Model Development and Analysis

This task includes development of an initial hydraulic model in support of final design of the USACE Lower Cache Creek Flood Risk Reduction Project. The development of the hydraulic model will be developed in close coordination with USACE. MBK will begin compiling existing hydraulic models, topography, land cover, and hydrology for use in the developing a HEC-RAS model of lower Cache Creek. A work plan will be developed and coordinated with USACE for approval before development of the hydraulic model begins. Assuming additional data collection is not needed for model development, MBK will begin development of the hydraulic model and calibrate the model to a historic flood event and if data is available, verified to a separate flood event. Upon completion of the initial hydraulic model development, MBK will develop a workplan for the analysis of the final design water surface elevation. The scope and cost for this additional effort will be submitted at that time.

The estimated budget for this task is \$100,000. MBK efforts are charged on an actual time-and-expense basis, in accordance with our 2022 Fee Schedule (Attachment 1).

We appreciate the opportunity to assist the City of Woodland. If you have any questions or require any additional information, please call or email me.

Sincerely,
MBK ENGINEERS

A handwritten signature in black ink, appearing to read 'Ric Reinhardt', with a stylized flourish at the end.

Ric Reinhardt, P.E.

RR/dt/oh

R:\8888.7\Woodland Hydraulic Modeling Scope of Work 7-7-2022

Attachment: 2022 MBK Schedule of Fees

SCHEDULE OF FEES

1. Standard Fees:

	<u>Per Hour</u>
Principal/Principal Engineer	\$220–290
Supervising Engineer	180–260
Senior Project Manager	190–260
Project Manager	160–220
Senior Engineer	160–230
Engineer/Hydrologist	130–190
GIS Professional	120–190
Water Resources Associate	110–180
Assistant Engineer	100–180
Prevailing Rate Surveyor, Chief of Party	209*
Prevailing Rate Surveyor, Rodman/Chainman	194*
GIS Specialist	80–150
Technician/Drafter	80–150
Junior Engineer	75–120
Engineering Aide	50–90
Technical Editor	50–125
3-Person Survey Crew	320
2-Person Survey Crew	285

*Subject to CA Department of Industrial Relations (DIR) wage determinations

2. Time spent in appearances at courts or quasi-judicial State or Federal boards and commissions is billed at \$450 per hour for principals and supervising engineers, \$400 per hour for registered engineer staff, and \$250 per hour for other staff.
3. Automobile mileage is billed at the Federal reimbursement rate. Local mileage (less than 20 miles) will not be billed.
4. All other direct non-salary expense, including transportation and subsistence, long-distance telephone charges, commercial printing, reproduction costs, and similar out-of-pocket expenses are billed at actual cost plus a service charge of 10%. Use of GPS equipment is billed at \$55 per hour. Use of MBK owned boat will be billed at \$145/day. Use of MBK owned drones will be billed at \$150/day or as specified in a separate agreement. Professional services provided by others billed through MBK at cost plus a service charge of 5%–15%.
5. Billings will be made monthly and payment will be due within 45 days. Accounts not paid within 90 days of presentation will bear interest at the rate of 1½% per month or fraction thereof from the billing date unless other arrangements are made in advance.
6. If accounts are not paid within 90 days of presentation, the firm may retain an attorney to obtain payment. In the event that it does so and payment of all or part of the account is thereafter obtained, reasonable attorney's fees and other costs incurred to obtain such payment shall also be paid, or if payment is obtained by Judgment, shall be awarded as part of the Judgment.

Attachment 1



TO: THE HONORABLE MAYOR AND CITY COUNCIL
AGENDA: City Council Regular Meeting
DATE: December 6, 2022
ITEM #: F.8
SUBJECT: Approval of Plans and Specifications, and Authorize Bid Advertisement for the 2023 Water & Sewer Replacement Project, CIP 22-04

Recommendation for Action: Staff recommends that the City Council adopt Resolution No. _____, (1) Approving the Project plans and specifications, and (2) Authorizing bid advertisement for the 2023 Water & Sewer Replacement Project, CIP 22-04.

Staff Contact:

Mark Miller, Associate Engineer - (530) 661-5968, mark.miller@cityofwoodland.org

Fiscal Impact:

The engineer's estimate of construction cost is \$3.8 million. The estimated total project cost is \$4.5 million and includes construction, construction contingency, design, inspection, and construction management costs.

Funding for the 2023 Water & Sewer Replacement Project, CIP 22-04 (the "Project"), is split between Sewer and Water Enterprise Funds. The estimate at this time is that the split will be \$4.3 million from the Water Enterprise Fund and \$200,000 from the Sewer Enterprise Fund. These costs are subject to change based on actual bid prices. An updated budget analysis will be prepared after receiving the bids. The Project is currently funded in the Capital Budget, which was approved by the City Council on June 21, 2022, with \$3.0 million of Water Enterprise Funding and \$1.2 million of Sewer Enterprise Funding. This current funding in CIP 22-04 was allocated prior to finalizing the scope of work included in the Project. Award of the Construction Contract will be presented to Council for approval at a future date, at which time any necessary additional funding will be recommended for allocation to the Project.

There is no impact on the General Fund.

Background:

Set to break ground in Spring 2023, CIP 22-04 was scoped as the seventh phase of a multi-year project where Engineering and Operations staff identify locations in the City that have the greatest occurrence of water main and water lateral breaks and leaks, and prioritize these locations for replacement. The 2023 Project area, which can be visualized on the attached map and is described as the vicinity of Sixth Street and Archer Drive between Gibson Road and County Road 24a, contains a network of potable water mainlines that were constructed between 1960 and 1968 and range from 54 to 62 years old. Most are made of cast iron, which has a typical average service life of 50 years after proper installation. The Project will replace this network with a new polyvinyl chloride mainline constructed in the street and will connect residences along the route with new polyethylene services.

The City's sewer collection system is evaluated according to the Sewer System Management Plan guidelines, which specify that each sewer pipe is to be videoed regularly to document internal conditions. In recent video footage of sewers within the Project vicinity, tree root intrusion was identified as the prevailing internal defect. These problems were previously addressed during a 2020 project that utilized trenchless rehabilitation methods to remove roots and prevent future intrusion. The most severe defects identified by the staff, however, require open-cut excavation down to twelve feet below the street surface in order to replace fractured portions of the clay mainline. These open-cut replacements will be completed with CIP 22-04.

Discussion:

Areas of the city where infrastructure is identified for replacement often coincide with streets that have a network of smaller diameter water distribution mains buried behind the sidewalks. Due to many characteristics such as their age, size, location, material composition and burial depth, these back-of-walk mains are a constant nuisance for Operations staff to maintain as well as for City residents who fence or landscape their property's frontage. These back-of-walk mains exist in the Sixth Street & Archer Drive vicinity and have been experiencing an increasing number of breaks and leaks in recent years. Once completed, the project will replace just over one mile of the aging drinking water distribution network and will result in more reliable water pressure and uninterrupted water service for approximately 117 residences and 107 apartment units. CIP 22-04 will also upsize the capacity of this network by constructing a larger diameter water main than what currently exists in Sixth Street. The upsized system will better distribute water throughout the area and north to Everman Park, the site identified for the City's next aquifer storage & recovery well.

The existing sewer system in the Sixth Street and Archer Drive vicinity consists of six-inch, eight-inch and twelve-inch diameter vitrified clay mainlines in the street. These mains were constructed in the early 1960s and are in relatively good condition; though, two instances of fractured mainline will be replaced during construction of CIP 22-04.

Conclusion:

Staff recommends that the City Council adopt Resolution No. ____; to (1) Approve the Project plans and specifications, and (2) Authorize bid advertisement for the 2023 Water & Sewer Replacement Project, CIP 22-04.

Prepared by: Mark Miller, Associate Engineer

Reviewed by: Tim Busch, P.E., Principal Utilities Civil Engineer
Brent Meyer, P.E., Community Development Director/City Engineer



Ken Hiatt
City Manager

Attachments:

1. Resolution
2. Project Vicinity Map

RESOLUTION NO. ____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODLAND
APPROVING THE PLANS AND SPECIFICATIONS AND AUTHORIZING
ADVERTISEMENT FOR BIDS FOR THE 2023 WATER & SEWER REPLACEMENT
PROJECT, CIP 22-04.**

WHEREAS, the City Council wishes to ensure the City's infrastructure is maintained in compliance with local, State and Federal regulations; and

WHEREAS, the 2023 Water & Sewer Replacement Project, CIP 22-04 (the "Project"), will replace water and sewer pipelines that are deficient or have exceeded their service life, resulting in more reliable system pressures and less interruptions of service for nearby residences; and

WHEREAS, the City Council has the authority to approve projects for bid; and

WHEREAS, the City Council wishes to approve the plans and specifications and authorize bid advertisement for the Project through adoption of this Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WOODLAND AS FOLLOWS:

Section 1. The City Council hereby approves the plans and specifications for the 2023 Water & Sewer Replacement Project, CIP 22-04, which will be available on file with the City Clerk.

Section 2. The City Council hereby authorizes staff to advertise for bids for the 2023 Water & Sewer Replacement Project, CIP 22-04.

PASSED AND ADOPTED by the City Council of the City of Woodland at a regular meeting of the City Council held on the 6th day of December 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

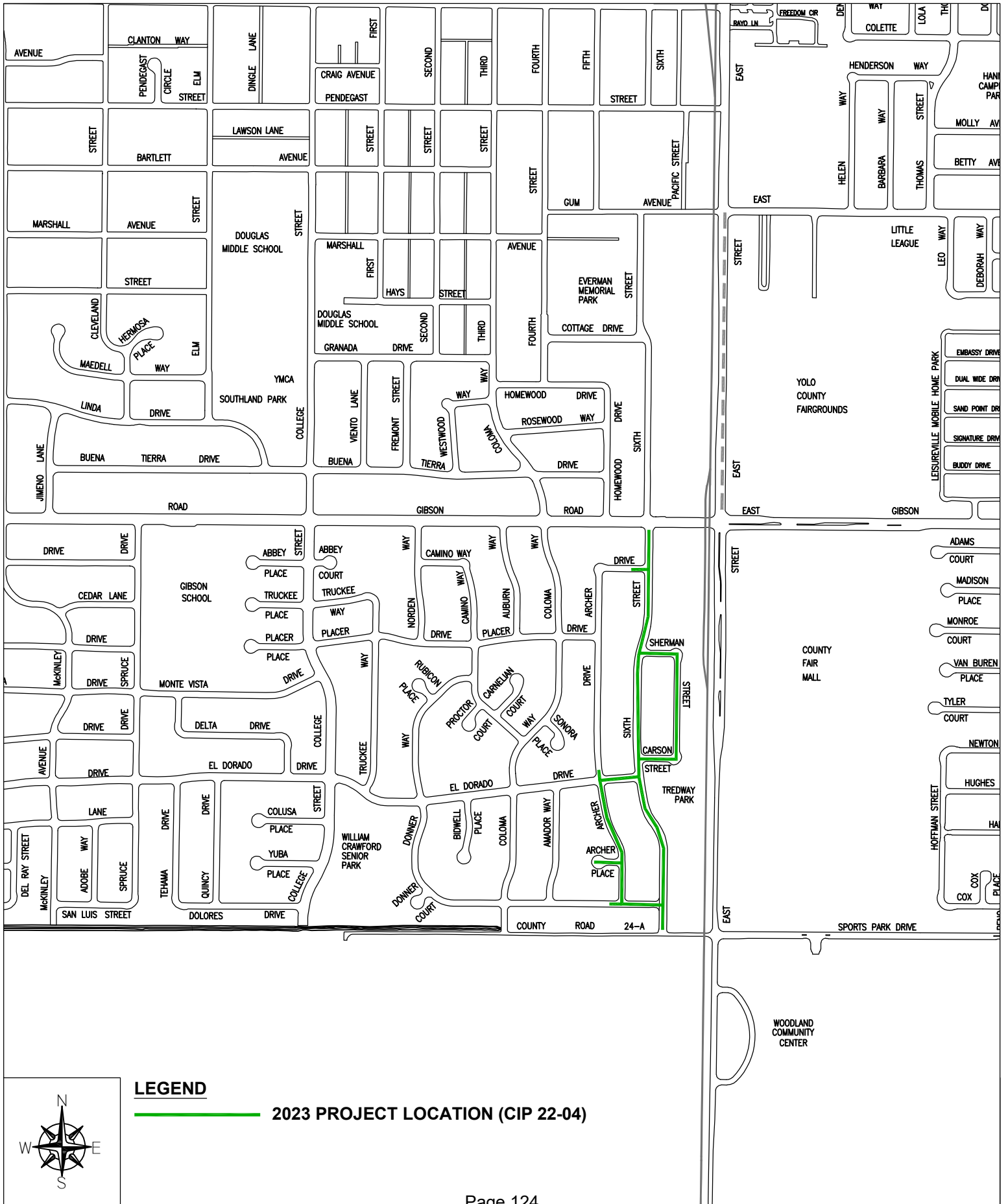
Mayra Vega, Mayor

ATTEST:

Ana B. Gonzalez, City Clerk

2023 WATER & SEWER REPLACEMENT PROJECT

CIP 22-04





TO: THE HONORABLE MAYOR AND CITY COUNCIL
AGENDA: City Council Regular Meeting
DATE: December 6, 2022
ITEM #: F.9
SUBJECT: Department of Water Resources (DWR) Grant Application Funding Agreement for the City of Woodland ASR Well #31 Improvement Project

Recommendation for Action: Staff recommends that the City Council adopt Resolution No. ____ to:
1) Authorize the City Manager to prepare a complete DWR Grant Application, to Accept Grant Funding Approval, and 2) Execute the DWR Grant Application Funding Agreement upon Approval for the City of Woodland ASR Well #31 Improvement Project, CIP 17-05.

Staff Contact:

Tim Busch, Principal Utilities Engineer, (530) 661-5963, tim.busch@cityofwoodland.org

Fiscal Impact:

The City is seeking \$3,750,000 in funding from the California Water Resources Control Board, Department of Water Resources (DWR) funding program for Urban Project Drought Relief, which offers \$190,000,000 for urban water systems such as the City of Woodland. City Staff executed an agreement for \$15,000 with Luhdorff & Scalmanini Consulting Engineers (LSCE) to prepare the grant application. The funding source for the \$15,000 contract is the project budget for CIP 17-05 ASR Well #31 project.

The City will need to fund the rest of the project that is not covered by grant funding. However, the City has already allocated over \$5,500,000 to CIP 17-05 for the ASR Well #31 Project, which is expected to be comprehensive for the project (includes design, permitting, construction, construction management, and project management). The project is considered fully funded already, so receiving the grant will save the City up to \$3,750,000. There are no known obligations of receiving the grant that would limit the City's ability to operate the ASR wells in any way.

Background:

The City of Woodland relies primarily on treated surface water from the Woodland Davis Clean Water Agency (WDCWA) for its water supply, with augmentation through its Aquifer Storage & Recovery (ASR) program. Woodland's ASR program improves short term drought resiliency and long term water supply reliability by storing high-quality treated Sacramento River water in the underground aquifer when water is abundant (winter) for use during peak demand (summer) or drought. The addition of a fourth ASR well will increase Woodland's overall injection and pumping capabilities to provide increased reliability of Woodland's highest quality supplemental source to WDCWA supplied water.

Discussion:

Passage of this resolution increases the likelihood of funding for development of Woodland's ASR program by providing additional assurance that the City Council intends to accept grant funding and execute the grant funding agreement with DWR upon award. Woodland has been recognized by the Federal EPA for being a leader in water resiliency and climate change adaptation, with the ASR program being central to the City's water resiliency portfolio.

Water system planning has indicated the need for the 4th ASR Well by year 2025 to improve water system reliability and accommodate growth in the City. The development of an ASR well takes around 3 years of design, construction, and initial injection of surface water prior to use as a production well. The plan was to

begin work on the 4th ASR well in 2022. Earlier this year, Well #22G experienced a catastrophic failure and had to be removed from the City's water supply portfolio. Well #22G had been considered an active well, meaning that it was one of the wells next in line for operation when additional water is necessary. The loss of Well #22G has accelerated the need for the 4th ASR well. The grant could provide up to \$3,750,000 in funding for the project.

Conclusion:

Staff recommends that the City Council adopt Resolution No. ____ to:

1) Authorize the City Manager to prepare a complete DWR Grant Application, to Accept Grant Funding Approval, and 2) Execute the DWR Grant Application Funding Agreement upon Approval for the City of Woodland ASR Well #31 Improvement Project, CIP 17-05.

Prepared by: Tim Busch, Principal Utilities Civil Engineer

Reviewed by: Brent Meyer, Community Development Director/ City Engineer

A handwritten signature in black ink, appearing to read 'Ken Hiatt', with a long horizontal flourish extending to the right.

Ken Hiatt
City Manager

Attachments:

1. Resolution

RESOLUTION NO. ____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODLAND AUTHORIZING THE CITY MANAGER TO PREPARE A COMPLETE DWR GRANT APPLICATION, TO ACCEPT GRANT FUNDING APPROVAL, AND EXECUTE THE DWR GRANT APPLICATION FUNDING AGREEMENT UPON APPROVAL FOR THE CITY OF WOODLAND ASR WELL #31 IMPROVEMENT PROJECT

WHEREAS, the City of Woodland (City) proposes to implement the next phase of its Aquifer Storage and Recovery (ASR) Program through implementation of the ASR Well #31 Project (Project) to improve short term drought resiliency and long term water supply reliability during all water year types; and

WHEREAS, the City approved its FY2021-22 budget, including its updated CIP Plan, with one its project priorities to develop the next ASR well to ensure dry year water supply reliability for City water customers while providing flexibility to reduce its surface water diversions from the Sacramento River in accordance with its State permit conditions and DWR Delta co-equal goals of water supply reliability and ecosystem protection; and

WHEREAS, the City proposes to implement the next phase of its ASR Program through implementation of an additional ASR well (Well #31) to facilitate recharge of treated surface water supplies when available, consistent with State Permit conditions, for use during dry years when surface water supplies are cutback due to periodic water shortage conditions helping the State to protect Delta fish populations during dry years; and

WHEREAS, the City's proposed ASR Well #31 Project will benefit disadvantaged areas within the City and in the vicinity of the Well 31 project site with approximately 75% of the customers to be served by the Project classified as disadvantaged with median household incomes (MHI) below eighty percent of the State's average MHI; and

WHEREAS, the City's proposed ASR Well #31 Project will enable the City meet the State's human right to water policy while benefitting disadvantaged and underrepresented populations within the City of Woodland; and

WHEREAS, the Project is being implemented in response to a drought scenario, as defined by Water Code section 13198(a) and is intended to: (1) address immediate impacts on human health and safety; (2) address immediate impacts on fish and wildlife resources; or, (3) provide water to persons or communities that lose or are threatened with the loss or contamination of water supplies; and

WHEREAS, the City declared a Stage 2 Water Warning on May 10th, 2022, in accordance with the City's 2020 Urban Water Management Plan due to reductions in its treated surface water supply availability in water years 2020 through 2022; and

WHEREAS, the City has the legal authority and is authorized to enter into a funding agreement with the State of California consistent with the City funding application submitted to DWR; and

WHEREAS, the City intends to apply for grant funding from the California Department of Water Resources for the Project to facilitate immediate dry year water supply augmentation using ASR wells to compensate for surface water delivery cutbacks during the April through November period.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WOODLAND AS FOLLOWS:

Section 1. That pursuant and subject to all of the terms and provisions of Budget Act of 2021, the City Manager as Authorized Representative, or designee is hereby authorized and directed to prepare and file an application for funding with the Department of Water Resources, and take such other actions as necessary or appropriate to obtain grant funding.

Section 2. The City Manager, or designee is hereby authorized and directed to execute the funding agreement with the Department of Water Resources and any amendments thereto.

Section 3. The City Manager, or designee is hereby authorized and directed to submit any required documents, invoices, and reports required to obtain grant funding. The City Attorney is hereby authorized to make clarifying and confirming changes so long as the total dollar amount authorized in the Agreement does not change.

PASSED AND ADOPTED by the City Council of the City of Woodland at regular of the City Council held on the 6th day of December 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Mayra Vega, Mayor

ATTEST:

Ana B. Gonzalez, City Clerk



TO: THE HONORABLE MAYOR AND CITY COUNCIL
AGENDA: City Council Regular Meeting
DATE: December 6, 2022
ITEM #: G.10
SUBJECT: Declaring Results of the November 8, 2022 Election

Recommendation for Action: Staff recommends that the City Council:

- 1) Adopt Resolution No. _____, declaring the results of the November 8, 2022 election related to the election of two (2) members of the City Council for Council Districts 1 (Lansburgh) and 3 (Garcia-Cadena) with terms expiring upon the election of their successor thereto at the Presidential General Election of 2026; and
- 2) Adopt Resolution No. _____, declaring the results of the November 8, 2022 election related to Measures J and K.

Staff Contact:

Ana B. Gonzalez, City Clerk, (530) 661-5806, ana.gonzalez@cityofwoodland.org

Discussion:

The General Election was held on November 8, 2022 and included the Woodland City Council race for Districts 1 and 3 as well as local Measures J and K. The Yolo County Elections Office provided Final Election Results to the City on December 1, 2022. The Final Election Results are as follows:

City of Woodland Member, City Council District 1		
	Votes	Vote %
Rich Lansburgh	2,791	100.00%
Total Votes	2,791	100.00%
3 of 3 precincts reporting (100.00%)		

City of Woodland Member, City Council District 3		
	Votes	Vote %
Tania Garcia-Cadena	2,147	100.00%
Total Votes	2,147	100.00%
2 of 2 precincts reporting (100.00%)		

MEASURE J: Shall the salary for City Council members of the City of Woodland be increased from \$250 to \$500 per month, and in the future be adjusted by City ordinance in accordance with State law?

City of Woodland Measure J

	Votes	Vote %
Yes	7,110	40.95%
No	10,251	59.05%
Total Votes	17,361	100.00%
14 of 14 precincts reporting (100.00%)		

MEASURE K: To improve City services, such as law enforcement, parks, youth/senior services, and street repair, and for general government use, shall a measure be adopted enacting a tax on cannabis businesses up to 10% of gross receipts, until ended by voters? Advisory Vote Only. Shall the City Council allocate 25% of the tax revenue collected from any sales tax measure re-authorized in the City of Woodland via the November 2020 ballot to the Woodland Public Library to enhance educational and literacy programs and maintain or expand hours of operation?

City of Woodland Measure K

	Votes	Vote %
Yes	11,458	66.03%
No	5,895	33.97%
Total Votes	17,353	100.00%
14 of 14 precincts reporting (100.00%)		

The entire Yolo County Elections Office certified results of the November 8, 2022, General Election can be found at: <https://www.yoloelections.org/election-returns/sov-nov-8-2022-general-election/view>

Conclusion:

Staff recommends that the City Council:

- 1) Adopt Resolution No. _____, declaring the results of the November 8, 2022 election related to the election of two (2) members of the City Council for Council Districts 1 (Lansburgh) and 3 (Garcia-Cadena) with terms expiring upon the election of their successor thereto at the Presidential General Election of 2026; and
- 2) Adopt Resolution No. _____, declaring the results of the November 8, 2022 election related to Measures J and K.

Prepared by: Ana B. Gonzalez, City Clerk

Attachments:

1. Reso Election Results Council Members_2022
2. Reso Election Results Measure J and K_2022
3. Official Statement of Votes Cast for the November 8, 2022 General Election - City of Woodland

RESOLUTION NO. _____

**A RESOLUTION DECLARING THE RESULTS OF THE GENERAL ELECTION
HELD IN THE CITY OF WOODLAND ON NOVEMBER 8, 2022**

WHEREAS, a Presidential General Election was held and conducted in the City of Woodland, County of Yolo, State of California, on Tuesday, November 8, 2022, as required by law; and

WHEREAS, notice of said election was duly and regularly given in the time, form and manner as provided by law; voting precincts were properly established; election officers were appointed and in all cases said election was held and conducted, and the votes cast were received and canvassed and the returns made and declared in the time, form, and manner as required by the provisions for the Election Code of the State of California for the holding of elections in cities; and

WHEREAS, pursuant to the Canvass and Statement of Results of Election dated December 1, 2022, the County Clerk-Recorder of the County of Yolo canvassed the results of said election and has certified the results to this City Council, and said results are received, attached and made a part hereof as Exhibit A.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WOODLAND
DOES RESOLVE, AS FOLLOWS:**

SECTION 1. The total number of ballots cast in the City of Woodland was 18,011.

SECTION 2. Said General Election was held for the purpose of electing two (2) members of the City Council for Council Districts 1 and 3 with terms expiring upon the election of the successor thereto at the General Election in 2026 as required by the laws relating to cities in the State of California.

SECTION 3. The names and results of the persons voted for at said election for member of the City Council are as follows:

DISTRICT 1

<u>NAME</u>	<u>NUMBER OF VOTES RECEIVED</u>
Rich Lansburgh	2,791

DISTRICT 3

<u>NAME</u>	<u>NUMBER OF VOTES RECEIVED</u>
Tania Garcia-Cadena	2,147

SECTION 4. The City Council does declare and determine that:

Rich Lansburgh was elected a member of the City Council for District 1 for a term expiring upon the election of a successor thereto at the General Election in 2026.

Tania Garcia-Cadena was elected a member of the City Council for District 3 for a term expiring upon the election of a successor thereto at the General Election in 2026.

SECTION 5. The City Clerk shall enter on the records of the City Council a statement of the results of said election, showing (1) the whole number of votes cast in the city; (2) the names of the person voted upon; (3) the office for which each person was voted for; (4) the number of votes given at each precinct to each person; and (5) the number of votes given in the city to each person.

SECTION 6. The City Clerk shall deliver to each person elected a certification of election signed by her and duly authenticated; she shall also administer to the persons elected the oath of office prescribed in the State Constitution of the State of California and shall have those persons subscribed thereto, whereupon each person so elected shall be inducted into the office which he has been elected.

PASSED AND ADOPTED by the City Council of the City of Woodland, this 6th day of December 2022, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Mayra Vega, Mayor

ATTEST:

APPROVED AS TO FORM:

Ana B. Gonzalez, City Clerk

EXHIBIT A

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
WOODLAND DECLARING THE RESULTS OF THE GENERAL
ELECTION HELD ON NOVEMBER 8, 2022**

WHEREAS, a General Election was held and conducted in the City of Woodland, County of Yolo, State of California, on Tuesday, the 8th day of November, 2022, as required by law; and

WHEREAS, said General Election was consolidated with City's special election by the County of Yolo; and

WHEREAS the County Clerk-Recorder of the County of Yolo canvassed the results of the election and has certified the results to this City Council, the results are received, attached and made a part hereof as Exhibit A.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WOODLAND DOES RESOLVE, AS FOLLOWS:

SECTION 1. The total number of ballots cast in the City of Woodland was 18,011.

SECTION 2. A special election was held for the purpose of submitting the following measures, with the number of votes cast for and against the measures as follows:

MEASURE J: Shall the salary for City Council members of the City of Woodland be increased from \$250 to \$500 per month, and in the future be adjusted by City ordinance in accordance with State law?

MEASURE J

<u>VOTE</u>	<u>NUMBER</u>	<u>PERCENT</u>
YES	7,110	40.95%
NO	10,251	59.05%

MEASURE K: To improve City services, such as law enforcement, parks, youth/senior services, and street repair, and for general government use, shall a measure be adopted enacting a tax on cannabis businesses up to 10% of gross receipts, until ended by voters?

MEASURE K

<u>VOTE</u>	<u>NUMBER</u>	<u>PERCENT</u>
YES	11,458	66.03%
NO	5,895	33.97%

SECTION 3. The City Council does declare and determine that Measures K was approved by the voters.

SECTION 4. The City Clerk shall enter in the records of the City Council a statement of the results of said election, showing: (1) the whole number of votes cast in the city; (2) the measure voted upon; (3) the number of votes given at each precinct for and against the measure; and (4) the total number of votes given for and against the measure.

PASSED AND ADOPTED by the City Council this 6th day of December, 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Mayra Vega, Mayor

ATTEST:

APPROVED AS TO FORM:

Ana B. Gonzalez, City Clerk

EXHIBIT A

HELP AMERICA VOTE ACT OF 2002

CERTIFICATION OF ELECTIONS OFFICIAL

STATE OF CALIFORNIA

COUNTY OF YOLO

ss.

Pursuant to the statewide voter registration list requirements set forth in the Help America Vote Act of 2002 (HAVA) 52 U.S.C. § 21083),

I, Jesse Salinas, County Clerk/Registrar of Voters for the County of Yolo, State of California, hereby certify that I complied with all provisions of Chapter 2 of Division 7 of Title 2 of the California Code of Regulations for the Federal election held on the 8th day of November 2022, in the County of Yolo, State of California and all elections consolidated therewith.

I hereby set my hand and official seal this 1st day of December, 2022, at the County of Yolo



Jesse Salinas
County Clerk/Registrar of Voters
County of Yolo
State of California

HAVA Certification of Elections Official
(11/2022)

**CERTIFICATION OF
COUNTY CLERK/REGISTRAR OF VOTERS OF THE
RESULTS OF THE CANVASS
OF THE NOVEMBER 8, 2022, GENERAL ELECTION**

STATE OF CALIFORNIA

COUNTY OF Yolo

} ss.

I, Jesse Salinas, County Clerk/Registrar of Voters of County of Yolo, do hereby certify that, in pursuance of the provisions of Elections Code section 15300, et seq., I did canvass the results of the votes cast in the General Election held in said County on November 8, 2022, for measures and contests that were submitted to the vote of the voters, and that the Statement of Votes Cast, to which this certificate is attached is full, true, and correct.

I hereby set my hand and official seal this 1st day of December, 2022, at the County of Yolo



Jesse Salinas
County Clerk/Registrar of Voters
County of Yolo
State of California

Canvass Certification of Elections Official
(11/2022)

Cumulative Report w Full Names

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Run Date 12/01/2022

Yolo County

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Official Results

Registered Voters

68794 of 118337 = 58.13%

Precincts Reporting

62 of 62 = 100.00%

City of Winters Member, City Council - Vote for THREE

Precincts			Voters		
Counted	Total	Percent	Ballots	Registered	Percent
3	3	100.00%	2,484	4,507	55.11%

Choice	Party	Vote Center		Vote by Mail		Conditional		Election Day		Total	
LISA BAKER		7	19.44%	1,034	20.64%	2	15.38%	73	15.05%	1,116	20.13%
ALBERT VALLECILLO		9	25.00%	1,170	23.36%	4	30.77%	80	16.49%	1,263	22.79%
RICHARD CASAVECCHIA		9	25.00%	1,037	20.70%	1	7.69%	145	29.90%	1,192	21.50%
MICHAEL S. OLIVAS		3	8.33%	660	13.18%	2	15.38%	112	23.09%	777	14.02%
CAROL SCIANNA		8	22.22%	1,108	22.12%	4	30.77%	75	15.46%	1,195	21.56%
Cast Votes:		36	100.00%	5,009	100.00%	13	100.00%	485	100.00%	5,543	100.00%
Undervotes:		15		1,630		8		250		1,903	
Overvotes:		0		2		0		0		2	

City of Woodland Member, City Council District 1 - Vote for ONE

Precincts			Voters		
Counted	Total	Percent	Ballots	Registered	Percent
3	3	100.00%	3,902	6,793	57.44%

Choice	Party	Vote Center		Vote by Mail		Conditional		Election Day		Total	
RICH LANSBURGH		29	100.00%	2,617	100.00%	7	100.00%	138	100.00%	2,791	100.00%
Cast Votes:		29	100.00%	2,617	100.00%	7	100.00%	138	100.00%	2,791	100.00%
Undervotes:		20		1,009		7		75		1,111	
Overvotes:		0		0		0		0		0	

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City of Woodland Member, City Council District 3 - Vote for ONE

Precincts			Voters		
Counted	Total	Percent	Ballots	Registered	Percent
2	2	100.00%	2,915	6,345	45.94%

Choice	Party	Vote Center		Vote by Mail		Conditional		Election Day		Total	
TANIA GARCIA-CADENA		16	100.00%	1,963	100.00%	15	100.00%	153	100.00%	2,147	100.00%
	Cast Votes:	16	100.00%	1,963	100.00%	15	100.00%	153	100.00%	2,147	100.00%
	Undervotes:	5		689		5		69		768	
	Overvotes:	0		0		0		0		0	

Proposition 1

Precincts			Voters		
Counted	Total	Percent	Ballots	Registered	Percent
62	62	100.00%	68,794	118,337	58.13%

Choice	Party	Vote Center		Vote by Mail		Conditional		Election Day		Total	
Yes		424	58.81%	46,054	74.70%	844	87.92%	2,146	56.16%	49,468	73.66%
No		297	41.19%	15,601	25.30%	116	12.08%	1,675	43.84%	17,689	26.34%
	Cast Votes:	721	100.00%	61,655	100.00%	960	100.00%	3,821	100.00%	67,157	100.00%
	Undervotes:	11		1,482		18		119		1,630	
	Overvotes:	0		7		0		0		7	

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ESPARTO UNIFIED SCHOOL DISTRICT Measure L

Precincts			Voters		
Counted	Total	Percent	Ballots	Registered	Percent
3	3	100.00%	1,963	3,634	54.02%

Choice	Party	Vote Center		Vote by Mail		Conditional		Election Day		Total	
Bonds Yes		7	35.00%	880	51.40%	4	100.00%	81	56.25%	972	51.70%
Bonds No		13	65.00%	832	48.60%	0	0.00%	63	43.75%	908	48.30%
Cast Votes:		20	100.00%	1,712	100.00%	4	100.00%	144	100.00%	1,880	100.00%
Undervotes:		4		70		1		8		83	
Overvotes:		0		0		0		0		0	

CITY OF WOODLAND Measure J

Precincts			Voters		
Counted	Total	Percent	Ballots	Registered	Percent
14	14	100.00%	18,011	34,308	52.50%

Choice	Party	Vote Center		Vote by Mail		Conditional		Election Day		Total	
Yes		51	31.29%	6,728	41.87%	40	47.06%	291	27.90%	7,110	40.95%
No		112	68.71%	9,342	58.13%	45	52.94%	752	72.10%	10,251	59.05%
Cast Votes:		163	100.00%	16,070	100.00%	85	100.00%	1,043	100.00%	17,361	100.00%
Undervotes:		4		586		10		47		647	
Overvotes:		0		3		0		0		3	

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CITY OF WOODLAND Measure K

Precincts			Voters		
Counted	Total	Percent	Ballots	Registered	Percent
14	14	100.00%	18,011	34,308	52.50%

Choice	Party	Vote Center		Vote by Mail		Conditional		Election Day		Total	
Yes		94	57.32%	10,732	66.81%	57	64.04%	575	55.45%	11,458	66.03%
No		70	42.68%	5,331	33.19%	32	35.96%	462	44.55%	5,895	33.97%
Cast Votes:		164	100.00%	16,063	100.00%	89	100.00%	1,037	100.00%	17,353	100.00%
Undervotes:		3		595		6		53		657	
Overvotes:		0		1		0		0		1	

*** End of report ***